

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: |

The Application of American		
University for a special exemption		Case No.
and further processing of the		16638
campus plan of the University		

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Thursday,
February 15, 2001

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 16638 by the
District of Columbia Zoning Commission convened at 4:00 p.m. in
the Office of Zoning Hearing Room at 441 4th Street, Northwest,
Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
HERBERT M. FRANKLIN	Commissioner
KWASI HOLMAN	Commissioner
JOHN G. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC
Gerald Forsburg, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Andrew Altman, Director, Office of Planning
John Fondersmith, Office of Planning
Ellen McCarthy, Deputy Director, Office of
Planning
Julie Wagner, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Mary Nagelhout, Esq.
Marie Sansone, Esq.

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P-R-O-C-E-E-D-I-N-G-S

(7:31 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. Let me begin by apologizing for the late delay in this -- in this hearing. We had a special public meeting at 6:00 p.m. that ran a little bit over, and so we're -- we appreciate your indulgence.

This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, February 15th, 2001.

My name is Carol Mitten. Joining me this evening, our Commissioners Herbert Franklin, John Parsons and Kawsii Holman. Vice Chairman, Anthony Hood, is expected shortly.

Copies of the hearing agenda are available to you and are located on my left near the door. The subject of this evening's hearing is Zoning Commission Case Number 00-36CP, the American University Campus Plan.

As published in the D.C. Register on Friday, December 8th, 2000, the review of campus plans has been transferred from the Board of Zoning Adjustment to the Zoning Commission. Accordingly, this case, which was initially announced to be heard by the BZA on December 12th, 2000, was postponed -- and was postponed on that date until today, is being heard under the jurisdiction of the Zoning Commission.

The -- the request before the Commission is for a special exception and further processing of the American

1 University's 2000 Campus Plan, which encompasses both the main
2 campus and the Tenley Campus.

3 In addition to updating the Campus Plan, the
4 University is also seeking further processing for the following
5 three projects proposed under the 2000 Campus Plan: The Katzen
6 Art Center, an addition to the Mary Graydon Center, and the
7 enclosure of the driveway below the Butler Pavilion.

8 All persons planning to testify either in favor
9 or in opposition are to fill out two witness cards. These
10 cards are located on each end of the table in front of us.
11 Upon coming forward to speak to the Commission, please give
12 both cards to the Reporter, who is sitting to my right.

13 The order of procedure is as follows:
14 preliminary matters, the Applicant's case; report of the Office
15 of Planning; report of other agencies; reports of the Advisory
16 Neighborhood Commissions, in this case 3-D and 3-E; parties and
17 persons in support; parties and persons in opposition; rebuttal
18 by the Applicant; closing remarks by the Applicant.

19 Cross-examination of witnesses is permitted by
20 the Applicant or parties. The ANC within which the property is
21 located, and, again, it's -- in this case it's ANC-3D and ANC-
22 3D, are automatically parties in this case.

23 The record will be closed at the conclusion of
24 this case except for any materials specifically requested by
25 the Commission. And the staff will specify at the end of the

1 hearing exactly what is expected.

2 To avoid any appearance to the contrary, the
3 Commission requests that persons present not engage the members
4 of the Commission in conversation. Please turn off all beepers
5 and cell phones at this time so as not to disrupt these
6 proceedings.

7 The Commission will now consider any preliminary
8 matters. Preliminary matters are those that relate to whether
9 a case will or should be heard today, such as requests for a
10 postponement, continuance or withdrawal, or whether proper and
11 adequate notice of the hearing has been given.

12 If you are not prepared to go forward with a case
13 today or if you believe that the Commission should not proceed,
14 now is the time to raise such a matter.

15 Does the staff have any preliminary matters?

16 MR. BASTIDA: Madam Chairperson, yes. The staff
17 has the posting as a preliminary matter. We believe that the
18 Applicant has fulfilled the requirements of the zoning
19 regulations regarding the posting. And that concludes my
20 preliminary matter, the staff's preliminary matters.

21 CHAIRPERSON MITTEN: Thank you. I know that
22 there have been some motions put into the record. And what we
23 need to do first is we need to proceed to establishing who will
24 receive Party Status before those motions will be entertained.

25

1 I think for the ease of discussion, we'll begin
2 by addressing requests for Party Status from certain
3 individuals that live in the 4400 block of Sedgwick Street. I
4 don't -- I think perhaps I should name them:

5 Marcus Delima, Martin Kaufman, Mrs. Pana Paruma,
6 Alan Pollock, Pilar Bilecki, Andrew and Jetta Harris, Manuel
7 Fernandez, Christina and Johnny Cristaldi, Jane Khoury, Steve
8 and Florence Seleba, and Kkadel Rosenberg.

9 Ms. Dwyer, did you have some objection to these
10 folks being given Party Status?

11 MS. DWYER: Yes. On behalf -- for the record,
12 Maureen Dwyer with Shaw Pittman on behalf of the Applicant. We
13 filed a letter objecting to the requests for individual Party
14 Status by these individuals.

15 It is our position that their interests can be
16 represented by the Fort Gaines Citizen Association, which
17 includes all the addresses that you have mentioned. And we did
18 not see a basis for giving these -- each of these individuals
19 individual Party Status.

20 We felt that there was not a specific interest
21 that would not have been addressed by the Association. Thank
22 you.

23 CHAIRPERSON MITTEN: Commissioners, we've had a
24 chance to review the request for Party Status from the
25 individuals whose names I mentioned. Any -- any thoughts about

1 granting these folks Party Status?

2 MR. FRANKLIN: Just to clarify matters, Madam
3 Chair, if the Commission does not grant Party Status to these
4 individuals, I assume that, of course, they remain qualified to
5 -- to testify before the Commission.

6 CHAIRPERSON MITTEN: Absolutely. They'll be able
7 to -- they will be able to testify before the Commission as
8 individuals.

9 MR. PARSONS: Well, I -- I would agree with Ms.
10 Dwyer that -- that the representation of the Fort Gaines
11 Citizens Association should -- should adequately serve them.

12 CHAIRPERSON MITTEN: I agree with that. And I
13 also agree with the fact that the nature of the fact that
14 there's so many people in the same block making the request
15 seems to argue against any kind of unique affect of the Campus
16 Plan.

17 I would entertain a motion not to grant Party
18 Status to the individuals whose names I mention that live in
19 the 4400 block of Sedgwick Street and at 3825-45th Street.

20 MR. PARSONS: So moved.

21 MR. FRANKLIN: Second.

22 CHAIRPERSON MITTEN: It has been moved and
23 properly seconded. All those in favor, say "aye."

24 (Vote taken)

25 CHAIRPERSON MITTEN: Opposed?

1 (Vote taken)

2 CHAIRPERSON MITTEN: Mr. Bastida, would you
3 record the vote?

4 MR. BASTIDA: Yeah. The staff would record the
5 vote four to zero to deny Party Status. Mr. -- Mr. Frank --
6 Mr. Parsons moved it and Mr. Franklin seconded it. Ms. Mitten
7 and Ms. -- Mr. Holman voting in the affirmative.

8 CHAIRPERSON MITTEN: Thank you. I think I'd like
9 to move next to the organizations that have requested Party
10 Status. We have requests, and we can -- we can discuss these
11 as a group as well.

12 We have a request for Party Status from the Fort
13 Gaines Citizens Association, Neighbors for a Livable Community,
14 the Spring Valley-Wesley Heights Citizens Association, American
15 University Park Citizens Association, and the Spring Valley
16 Court Association.

17 And I believe Ms. Dwyer has no objection to these
18 organizations being granted Party Status.

19 MS. DWYER: That is correct.

20 CHAIRPERSON MITTEN: And -- Mr. Elliott?

21 MR. ELLIOTT: Yes. Madam Chair, I'm Robert
22 Elliott, for the record, and I represent all five of those
23 citizens associations. I did want to --

24 CHAIRPERSON MITTEN: Sir?

25 MR. ELLIOTT: Yes?

1 CHAIRPERSON MITTEN: I was going to pose a
2 question.

3 MR. ELLIOTT: Please.

4 CHAIRPERSON MITTEN: I wasn't suggesting that you
5 -- I just wanted you to identify yourself. Each of these --
6 each of these organizations, with the exception of Neighbors
7 for a Livable Community, has identified the geographic area of
8 the -- of their member, the people that they represent.

9 MR. ELLIOTT: Generally --

10 CHAIRPERSON MITTEN: Can you --

11 MR. ELLIOTT: -- so, yes.

12 CHAIRPERSON MITTEN: Can you explain to the
13 Commission what geographic area is covered by the group
14 Neighbors for a Livable Community?

15 MR. ELLIOTT: Well, it doesn't have a precise
16 geographic area. The others --

17 CHAIRPERSON MITTEN: What is --

18 MR. ELLIOTT: -- do.

19 CHAIRPERSON MITTEN: -- nature of the group?

20 MR. ELLIOTT: The nature of the group goes back
21 to, I believe, 1985. Mr. Herzstein can correct me or amplify,
22 if he wishes, because he's taken the lead for that
23 organization. It's a non-profit organization. And it has
24 assisted in coordinating the views and activities of other
25 citizens associations.

1 And the fruits of that actually are that tonight
2 all five are appearing here with -- represented by one counsel,
3 and largely have been able to coordinate and present their view
4 with relatively difference among them.

5 So, basically, it has taken the lead in this
6 coordination effort because it is a large area surrounding the
7 University and there are quite a few other citizen associations
8 that do surround it. If I may, I did want to clarify one
9 thing.

10 I did put in the record in response to Ms.
11 Dwyer's opposition to Party Status a clarification that I do
12 not represent the individuals. And, in addition, my
13 understanding of the role of the citizens associations is that
14 they are not prepared to speak for abutting landowners.

15 They are not here to present that evidence.
16 Those landowners within 200 feet receive actual notice of the
17 proceeding. They have higher and greater interest than others.
18 They need to present their own cases. I don't know their
19 cases. I don't even know some of them.

20 So I did put a letter in, in response to Ms.
21 Dwyer, clarifying the scope of my representation.

22 CHAIRPERSON MITTEN: Thank you, Mr. Elliott. If
23 there's no objection to -- to designating the five
24 organizations that I mentioned, I would entertain a motion to
25 grant each of them Party Status.

1 MR. HOLMAN: So moved.

2 MR. FRANKLIN: Second.

3 CHAIRPERSON MITTEN: It's moved and properly --
4 properly seconded. All those in favor, say "aye."

5 (Vote taken)

6 CHAIRPERSON MITTEN: Opposed?

7 (Vote taken)

8 CHAIRPERSON MITTEN: Mr. Bastida, would you
9 record the vote?

10 MR. BASTIDA: Yeah. The staff would record the
11 vote, five to zero; Mr. Holman moving and Mr. Franklin
12 seconding. Mr. Mitten, Mr. Hood and Mr. Parsons voting in the
13 affirmative. I -- you might want to put into the record that
14 Mr. Hood has joined us.

15 CHAIRPERSON MITTEN: Yes. We have been joined by
16 Mr. Hood.

17 MR. BASTIDA: Thank you.

18 (Laughter)

19 MR. HOOD: Yes, I'm joined you.

20 CHAIRPERSON MITTEN: All right. We also have a
21 request for Party Status from Priscilla Holmes and Robert
22 Herzstein, who live at 4710 Woodway Lane. And I understand
23 that Ms. Dwyer has an objection.

24 MS. DWYER: Yes. As we indicated in our filing,
25 we believe that since Mr. Herzstein is the president of the

1 Neighbors for a Livable Community Association that his
2 interests and views can be adequately represented by that
3 association without the requirement for individual party status
4 for him or his wife, Priscilla.

5 CHAIRPERSON MITTEN: Do you have a view on
6 whether or not he's more uniquely affected by the Campus Plan
7 than other folks in the neighborhood?

8 MS. DWYER: Our position is that he is not, that
9 the interests that he has are no different than others who may
10 abut the campus at certain locations. There's no specific
11 impact from an activity that would justify carving out his
12 property for special exception and Party Status.

13 CHAIRPERSON MITTEN: Thank you. The one thing
14 that was mentioned in Mr. Herzstein's submission to us was the
15 fact that he shares a 450-foot boundary with the University,
16 which is unique. And I would be interested in what my fellow
17 Commissioners think about the impact on this -- this -- these
18 individuals.

19 MR. FRANKLIN: I'd like to know, Madam Chair, to
20 what extent that impact differs from the impact that would be
21 reflected in any of the other groups that we're going to hear
22 from. Obviously, Mr. Herzstein would have -- would have the
23 opportunity to testify and bring to the attention of the
24 Commission the special concerns he has.

25 What we're talking about here is whether he

1 should have the right of cross-examination, separate and
2 distinct from the other community groups.

3 CHAIRPERSON MITTEN: Yes.

4 MR. FRANKLIN: But if he's situation in spatial
5 terms that in -- in a way that's quite different from the
6 others, I would certainly entertain his status as a party.

7 CHAIRPERSON MITTEN: Mr. Herzstein, would you
8 like to briefly tell us why are more uniquely affected by this?

9 MR. HERZSTEIN: Yes.

10 CHAIRPERSON MITTEN: And identify yourself for
11 the record, please.

12 MR. HERZSTEIN: I'm Robert Herzstein. I live at
13 4710 Wood Way Lane. As you gather from my submission and
14 subsequent letter I sent, I don't know if you got that faxed in
15 yesterday or not, in response to Ms. Dwyer's motion, we -- our
16 property is quite a unique site.

17 It's -- it's a two-and-a-half acre property right
18 on the border of American University. The 450-foot boundary is
19 larger than that any other home has. Our home is on a high
20 position and we look right across a low valley at the large
21 dormitories and roadways on the campus. We see and hear
22 virtually everything.

23 Our particular concerns, impacts, which are not
24 shared by others include a roadway which is immediately -- a
25 University roadway which runs along our boundary and which is

1 often the occasion for noise and other activities, including
2 radios playing, so forth.

3 We have demonstrations and events taking place on
4 the field there, apart from the normal university activity. We
5 have a direct line of sight to the Watkins Art Center which
6 will be consolidated into Building A under the new plan. So
7 that is a building of concern to us.

8 We also see the roadway which will become the
9 main campus roadway under the proposed plan. We see the cars
10 traversing that and we hear the buses going across there. None
11 of these interests is similar to -- or certainly not shared by
12 any other neighbor.

13 CHAIRPERSON MITTEN: Thank you. Are you being --

14 MR. HERZSTEIN: I also have a basket of golf
15 balls and soccer balls and baseballs that come over the fence.

16 CHAIRPERSON MITTEN: Okay. Are you being
17 represented individually by Mr. Elliott or just in the -- in
18 the -- in your capacity for Neighbors for a Livable Community?

19 MR. HERZSTEIN: In my capacity as Neighbors for a
20 Livable Community.

21 CHAIRPERSON MITTEN: So you would want to cross-
22 examine apart from Mr. Elliott?

23 MR. HERZSTEIN: Would like to be able to. We're
24 coordinating very carefully and we will undertake not to repeat
25 each other --

1 CHAIRPERSON MITTEN: I see.

2 MR. HERZSTEIN: -- either in the testimony or the
3 cross-examination unless we have something special.

4 CHAIRPERSON MITTEN: Okay. Thank you. Based on
5 Mr. Herzstein's characterization of his situation and the
6 orientation of his property, the extent to which he abuts the
7 University without any intervening rights of way, his lines of
8 sight, et cetera, I would -- I would move that Priscilla Homes
9 and Robert Herzstein be accepted as parties in this case.

10 MR. FRANKLIN: Second.

11 CHAIRPERSON MITTEN: It's been moved and
12 seconded. All those in favor say "aye."

13 (Vote taken)

14 CHAIRPERSON MITTEN: Opposed?

15 (Vote taken)

16 CHAIRPERSON MITTEN: Mr. Bastida, could you
17 record the vote?

18 MR. BASTIDA: Yes, Madam Chairperson. The staff
19 would record the vote five to zero to accept them as parties;
20 Ms. Mitten moving, Mr. Franklin seconding; Mr. Hood, Mr. Frank
21 and Holman voting in the affirmative. Thank you.

22 CHAIRPERSON MITTEN: All right. We have a
23 request from Dennis Paul, who resides at 3700 University
24 Avenue, for Party Status.

25 MR. HOLMAN: Madam Chair, I'd just like to

1 disclose that I've known Mr. Paul for a number of years. But I
2 don't believe that my knowing him will have an impact on how I
3 vote on this matter.

4 CHAIRPERSON MITTEN: Thank you.

5 MR. HOLMAN: I just wanted to disclose that.

6 CHAIRPERSON MITTEN: Any objection, Ms. Dwyer?

7 MS. DWYER: No objection.

8 CHAIRPERSON MITTEN: Thank you. Mr. Paul's
9 situation is that he and -- is in a block with -- looks like
10 about half a dozen other houses on University Avenue and is --
11 has some close orientation to some proposed bleachers and a
12 proposed new building.

13 It seems -- it seems that there are -- there are
14 numerous other houses with a similar orientation on University
15 Avenue that would argue against a unique affect on Mr. Paul.
16 And Ms. Dwyer has an objection to Mr. Paul being named a party
17 in this case.

18 MR. PARSONS: I would agree and move to deny
19 Party Status to Mr. Paul.

20 CHAIRPERSON MITTEN: Is there a second?

21 MR. FRANKLIN: Second.

22 CHAIRPERSON MITTEN: It's been moved and
23 seconded. All those in favor to deny, please signify by saying
24 "aye."

25 (Vote taken)

1 CHAIRPERSON MITTEN: Opposed?

2 (Vote taken)

3 CHAIRPERSON MITTEN: Mr. Bastida?

4 MR. BASTIDA: The staff would record the vote
5 five to zero to deny Party Status; Mr. Parsons moving and Mr.
6 Franklin seconding; and Mr. Hood, Ms. Mitten and Mr. Holman
7 voting in the affirmative.

8 CHAIRPERSON MITTEN: Thank you. We have a
9 request for Party Status from Steven McLean who resides at 4541
10 W Street, which is approximately one mile south of American
11 University. And I would -- I would --

12 MR. ELLIOTT: Madam Chair, I'll withdraw that.
13 I'm counsel to Mr. McLean, and we'll withdraw that.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. ELLIOTT: Thank you.

16 CHAIRPERSON MITTEN: We have a request for Party
17 Status that was filed after the deadline from Howard and
18 Terecita Schaefer, who reside at 4641 Rockwood Parkway.
19 They're in a row of half a dozen houses on Rockwood Parkway
20 that abut the University, and they're next to -- they're
21 oriented between -- since it's a point of reference that we're
22 all familiar with, they're next to the Korean Embassy.

23 MR. PARSONS: I would move we deny that request.

24 MR. HOOD: Second.

25 CHAIRPERSON MITTEN: It's moved and seconded.

1 All those in favor please say "aye."

2 (Vote taken)

3 CHAIRPERSON MITTEN: Opposed?

4 (Vote taken)

5 CHAIRPERSON MITTEN: Mr. Bastida?

6 MR. BASTIDA: The staff would record a vote of
7 five to zero; Mr. Parsons moving and Mr. Hood seconding; Ms.
8 Mitten, Mr. Franklin and Mr. Holman voting in the affirmative.

9 CHAIRPERSON MITTEN: Thank you. Now that we've
10 established who the parties to the case are, Mr. Elliott, would
11 you like to begin with your first motion?

12 MR. ELLIOTT: Madam Chair and members of the
13 Commission, the Secretary to the Commission was kind enough to
14 have a lengthy meeting with me, which was very helpful. And in
15 the course of the meeting, he raised a question which I
16 subsequently put in a motion and Ms. Dwyer has responded; and
17 that is whether the order issued at the end of this proceeding
18 would replace all previous orders, lock, stock and barrel, with
19 respect to American University; or whether the order would only
20 substitute for and replace earlier orders to the extent it
21 dealt with matters in those orders.

22 I raise this with the Commission because I think
23 the University and we both need to know the scope of order
24 conditions and findings of law at the end of the case.

25 I was also concerned that if the order at the end

1 of this case were to completely replace the 1989 order, and I
2 take it the clarification order that Ms. Dwyer forwarded, as
3 well, several years ago, that the Commission might
4 inadvertently upset some apple carts as to which there had been
5 no deliberations and no testimony.

6 Some of the conditions of the old orders deal
7 with buildings that had been built, deal with ongoing
8 maintenance. There are several solutions or do this, and I
9 don't want to expound upon it further. But I think it will be
10 helpful to everyone to know where the Commission would go on
11 this.

12 In other words, would the previous orders to some
13 extent continue in effect, to the extent that they're not dealt
14 with in the new order, or would the previous orders essentially
15 be revoked no matter what is in the new order.

16 CHAIRPERSON MITTEN: I think we understand the
17 nature of your motion. Ms. Dwyer, would you like to respond?

18 MS. DWYER: Yes. And we did file something in
19 writing. It is our understanding, based on all of the other
20 Campus Plan cases, that when the Commission or, in the past,
21 the Board issues a new order, that supersedes any prior orders
22 of the Board.

23 In the instance that Mr. Elliott suggests, where
24 there may be conditions or issues that they would like
25 continued in this Campus Plan order, it is incumbent upon those

1 who want those conditions to present them as part of this
2 proceeding.

3 And the Board certain -- the Commission certainly
4 has the ability to review the prior order and decide which of
5 those conditions should continue. But we believe any -- any
6 ruling by the Commission at this point is premature, and that
7 at the end of the case is when the Commission decides what the
8 conditions are.

9 And Mr. Elliott and the parties he represents can
10 certainly put forward which conditions they believe should be
11 continued.

12 CHAIRPERSON MITTEN: Thank you. Mr. Bergstein,
13 is there any clarification that you could add to this?

14 MR. BERGSTEIN: I would try. I think that Ms.
15 Dwyer is correct, that an order that would be issued at the
16 close of this proceeding, assuming that order is to grant the
17 Campus Plan application, would supersede any of the prior
18 order, and I think what's being focused on is the conditions of
19 the prior order, unless those conditions were specifically
20 incorporated into the new order.

21 And I agree with Ms. Dwyer that it's incumbent
22 upon any party that wishes to have a specific condition in the
23 prior order incorporated into the new order, or modified in the
24 new order, to bring that to the Commission's attention.

25 CHAIRPERSON MITTEN: Thank you. And -- and Mr.

1 Bergstein, for my clarification as much anyone's, and this
2 seems like a good time to raise it, there was -- there was a
3 related issue that was mentioned in a February 1st letter that
4 Ms. Dwyer had submitted that was basically, I guess, a cover
5 letter to the proposed Campus Plan.

6 And I'll just read a few sentences. "As the
7 Commission is aware, the current American University Campus
8 Plan expired as of December 31st, 2000.

9 "Based on the Board of Zoning Adjustment's
10 precedent in other Campus Plan cases, even though the plan has
11 expired, so long as an application has been filed to update or
12 amend the Campus Plan it is considered as continuing in full
13 force and effect until the new plan is approved.

14 "Could you provide some clarify on the status of
15 the plan between expiration of a prior plan and before a new
16 plan is put in place."

17 MR. BERGSTEIN: I believe what the expiration of
18 a prior Campus Plan signifies is that the University is no
19 longer eligible to have special exception requests for specific
20 uses within the University boundary processed under the prior
21 Campus Plan; but that any special exception request would have
22 to be approved and processed as part of the new Campus Plan,
23 either in tandem with the application or, if the application is
24 granted, afterwards.

25 The fact that a Campus Plan expires does not mean

1 that the University has to close its doors or that the
2 underlying conditions that related to University conduct do not
3 remain in place as a condition for University operation and --
4 and for any specific uses that were approved during the life of
5 the Campus Plan; but that the particular purpose of the Campus
6 Plan is to serve as a procedural threshold to further
7 processing requests.

8 And to the extent that -- and once a plan
9 expires, that eligibility expires as well until a new plan is
10 in place.

11 CHAIRPERSON MITTEN: Thank you very much for that
12 clarification. Based on -- based on Ms. Dwyer's argument and
13 Mr. Bergstein's additional clarification, I would move in
14 denial of the motion for advance ruling regarding the extent to
15 which previous BZA orders relating to American University will
16 continue in effect.

17 MR. HOOD: Second.

18 CHAIRPERSON MITTEN: It's been moved and
19 seconded. All those in favor to deny, please say "aye."

20 (Vote taken)

21 CHAIRPERSON MITTEN: Opposed?

22 (Vote taken)

23 CHAIRPERSON MITTEN: Mr. Bastida?

24 MR. BASTIDA: Yes, Ms. Mitten. The staff would
25 record the vote five to zero to deny, Ms. Mitten moving and Mr.

1 Hood seconding; Mr. Franklin, Mr. Parsons and Mr. Holman voting
2 on the affirmative.

3 CHAIRPERSON MITTEN: Thank you.

4 MR. FRANKLIN: Could I add something to this
5 point, Madam Chair, in that it seems to me that I, for one,
6 would appreciate it if the Applicant were to advise the
7 Commission what in its view of the earlier Campus Plan should
8 not be continued, rather than waiting for some opponent to tell
9 us what should be.

10 It would be helpful if we were told for what
11 reason any existing conditions in the Campus Plan should not be
12 continued.

13 MS. DWYER: We would be happy to provide that for
14 the record. We can go through that prior order and do that as
15 part of our case.

16 CHAIRPERSON MITTEN: Thank you. Mr. Elliott?

17 MR. ELLIOTT: Madam Chair, some timing on that
18 might help in that the next meeting is scheduled the 26th. If
19 we could have that in advance of the meeting, this could narrow
20 our presentation of our case.

21 CHAIRPERSON MITTEN: Ms. Dwyer, can you
22 accommodate that?

23 MS. DWYER: We certainly can.

24 CHAIRPERSON MITTEN: Thank you.

25 MR. ELLIOTT: Madam Chair, the next thing that I

1 have to raise is this. Our citizens associations, by
2 participating in this proceeding, want to be very clear that
3 we're not waiving our rights with respect to the further
4 processing of the Art Center Building which is included in the
5 application.

6 CHAIRPERSON MITTEN: Are -- is this related to
7 one of the two motions that you had? Are you leading up to one
8 of the two motions, of the two?

9 MR. ELLIOTT: I think you've ruled on the notice.
10 Your Secretary has ruled on the -- on the service -- on the
11 notice motion. I think at the beginning of the proceeding, he
12 stated, and I take it the Commission accepted that the notice -
13 - that you've decided that the notice was adequate.

14 CHAIRPERSON MITTEN: Yes.

15 MR. ELLIOTT: We read that provision, referred to
16 by Ms. -- Ms. Dwyer, as additional to the general provision.
17 But you're reading it as an alternative?

18 CHAIRPERSON MITTEN: Yes.

19 MR. ELLIOTT: All right. So --

20 CHAIRPERSON MITTEN: And then you had one more?

21 MR. ELLIOTT: I did ask for same-day service of
22 papers. I happen to live 1800 miles from here. I have a small
23 office here with a dedicated fax and an employee. I must have
24 same-day service of papers.

25 Ms. Dwyer responded that she's given me papers,

1 but they've come four or five days later by messenger or by
2 mail. And I hope she won't oppose this motion. I really need
3 these papers the same day that they're filed.

4 MS. DWYER: We had no objection. What we said in
5 our motion is that once an organization is a party to the case,
6 they are entitled to same-day service. And we are happy to
7 provide that.

8 CHAIRPERSON MITTEN: So can we just --

9 MR. ELLIOTT: We can consider that one resolved.
10 I'll rely on counsel.

11 CHAIRPERSON MITTEN: Okay.

12 MR. ELLIOTT: What I was going to say, Madam
13 Chair and Members of the Commission, is that the University, by
14 contract in 1989, is not permitted to file for processing of
15 any building on the north side of Massachusetts Avenue other
16 than their law school, which was processed back then, until the
17 year 2010.

18 And they filed in -- last August, and argue 11
19 years early. The provision is Exhibit 10 to the statement we
20 submitted to the Commission yesterday. I don't know if that's
21 been distributed to the Members. But in Exhibit 10, that's the
22 provision of the 1989 agreement, the last sentence of which
23 says:

24 "In no event shall such approval," and that's
25 further processing or anything other than Campus Plan, "be

1 sought through the year 2001," and that would be the end of
2 this year.

3 Should the Commission proceed, nevertheless, to
4 consider this further processing application, even though I
5 think it violates the 1989 BZA order and it certainly violates
6 the contract, we just want to be clear that by participating
7 and commenting upon it we're not waiving our rights.

8 I've raised this with Ms. Dwyer over the past two
9 weeks. She's responded. We're sort of at an impasse. I wrote
10 her today asking that we meet on it and see if we can resolve
11 it in some fashion. It takes away rights of the citizens that
12 were negotiated for value.

13 They should not have to deal with this Campus
14 Plan and at the same time deal with this further processing
15 because, at earliest, it should have been filed January 1,
16 2002.

17 CHAIRPERSON MITTEN: Let me ask Ms. Dwyer to
18 respond.

19 MS. DWYER: All right. What Mr. Elliott is
20 arguing is his interpretation of the 1989 agreement as a
21 separate document from the BAZ order. We disagree with his
22 interpretation. What I did receive today was a Complaint that
23 he filed in Superior Court making the same points.

24 That will be an issue that will be litigated in
25 the courts. It does not interfere with the Commission's

1 jurisdiction. The Commission has the authority and the right
2 to go forward with this case. And if the court decides that
3 they agree with Mr. Elliott's interpretation, then they can
4 stay the Commission's proceedings or take whatever action.

5 But at this point in time it is simply Mr.
6 Elliott's interpretation of the 1989 agreement. We strongly
7 disagree. We feel that we are before you appropriately. We
8 have filed for our Campus Plan update and further processing.
9 And there is nothing in a side agreement that affects your
10 jurisdiction to hear this case.

11 CHAIRPERSON MITTEN: Let me ask a question. When
12 do you think this -- the litigation would be resolved? Is that
13 something quick or slow?

14 MS. DWYER: No, it's not quick. It was just
15 filed today. So it will be some time. If you recall from what
16 we filed, the last litigation over the interpretation of the
17 1989 agreement was concluded in 1997. And that was
18 approximately a seven-year period. So we do not -- we're not
19 hopeful that this will be quick.

20 CHAIRPERSON MITTEN: Well, let me do this. Let
21 me ask each of you to file a brief on the point --

22 MR. ELLIOTT: May I --

23 CHAIRPERSON MITTEN: -- unless --

24 MR. ELLIOTT: We didn't --

25 CHAIRPERSON MITTEN: -- only if you --

1 MR. ELLIOTT: We didn't file a lawsuit. We did
2 not file a lawsuit.

3 CHAIRPERSON MITTEN: Okay. That's not -- that's
4 not --

5 MR. ELLIOTT: I just want you to know that.

6 CHAIRPERSON MITTEN: That's fine.

7 MR. ELLIOTT: Because it's not proceeding both in
8 court and here.

9 CHAIRPERSON MITTEN: All right. What I'd like is
10 both of you to file a brief that expressing why, you know, you
11 think that this somehow affects our proceedings, and Ms. Dwyer
12 on the other side. And if you could -- and we'll set time
13 frames for that, but if we could have that before the next
14 hearing. And then, you know, we can have both of your views
15 and have Corporation Counsel weigh in on that.

16 MS. DWYER: We'd be happy to do that.

17 MR. ELLIOTT: Yes. We would, too. And when
18 would you like that, Madam Chair?

19 CHAIRPERSON MITTEN: We'll set a date for all the
20 submissions that need to be filed before the next hearing when
21 we conclude this evening. Okay.

22 Before we proceed to your case, I just want to
23 give a little bit of guidance to those -- to those here about
24 some of the things that -- that perhaps you would not want to
25 spend the limited time that you have to testify on certain

1 subjects.

2 MS. DWYER: Can I raise one other preliminary
3 issue?

4 CHAIRPERSON MITTEN: Yes.

5 MS. DWYER: We filed the qualifications of our
6 expert witnesses.

7 CHAIRPERSON MITTEN: Yes.

8 MS. DWYER: And I was wondering if the Commission
9 had the chance to review those and if we could qualify those
10 experts now and save time doing that later. If there are any
11 questions, I can call them up.

12 There are five expert witnesses: Marsha Lea, the
13 landscape architect; Steve Kleinrock, the architect for the Art
14 Center; Nicole White and Lou Slade of Grove Slade Traffic
15 Engineering Firm; and Alan Brick-Turin of HNTV Traffic
16 Consultants.

17 MR. BERGSTEIN: Madam Chair, I think Mr. Elliott
18 may want to be asked whether or not he would want to question
19 those witnesses before they were -- the Board would -- the
20 Commission would consider qualifying them. It's normally the
21 practice.

22 CHAIRPERSON MITTEN: Is that prior to -- to us
23 questioning them?

24 MR. ELLIOTT: Madam Chair, I could, I think, save
25 time here. I met with our clients and we're satisfied to

1 stipulate that all five of these witnesses may testify as
2 experts.

3 CHAIRPERSON MITTEN: Thank you. And I guess
4 although in the past I've objected to Ms. White being
5 designated as an expert, I've had more experience with her
6 testifying in cases. And I will pose no objection. So are
7 there any objections from the Commissioners?

8 (No objections)

9 CHAIRPERSON MITTEN: Thank you. Aside from --
10 aside from the occasions when we're discussing scheduling or
11 when we're discussing whether things should go forward, we
12 would much prefer that the testimony deal with substance and
13 not process.

14 Because there's a lot of information in the
15 record about the process that has been conducted in terms of
16 the community and the Applicant negotiating, and the
17 presentations and so forth. And we really do not evaluate that
18 process other than we'd like -- we would like to reinforce the
19 fact that we think it's healthy.

20 And we want it to be ongoing through the time
21 that we make our final decision. So we would appreciate it if
22 you would deal with the substance of the plan in your
23 testimony.

24 We also would appreciate it if there would be no
25 discussion of issues that are not relevant in this proceeding,

1 such as trying to -- trying to raise issues over which we have
2 no jurisdiction, which would include off-campus uses that are a
3 matter of right, and also the delaying of the processing of the
4 Campus Plan to come under new regulations.

5 We're -- we're dealing with the existing
6 regulations in place and there will be no change to that. And,
7 also, before we proceed I'd just like to say, just to give
8 everyone a sense of what's going to be happening this evening,
9 I think it's unlikely that we will cover anything more than the
10 Applicant's case and cross-examination and perhaps get to the
11 Office of Planning Report and cross-examination.

12 So I want to announce now that the next hearing
13 is scheduled for Monday, February 26th, 2000 (sic), in this
14 room at 7 p.m.

15 Ms. Dwyer, will your witnesses be available that
16 evening?

17 MS. DWYER: Yes. If cross-examination is not
18 completed this evening, they're prepared to come back for that
19 hearing.

20 CHAIRPERSON MITTEN: And if it were officially
21 concluded but the -- the Commission might have some more
22 detailed questions, would they be available at that time?

23 MS. DWYER: Yes. They would be available.

24 CHAIRPERSON MITTEN: Thank you.

25 MR. FRANKLIN: Madam Chair, if I could at this

1 point, then, state for the record that I will not be present on
2 the 26th, but will be happy to read the record.

3 CHAIRPERSON MITTEN: Thank you, Mr. Franklin.

4 Does anyone have a hardship regarding returning
5 on the 26th to testify? I'm asking this now because often
6 people wait until the last minute to raise an issue, and then
7 it throws the proceedings into a little bit of a tizzy. So
8 does anyone have a hardship coming back on the 26th?

9 (No response)

10 CHAIRPERSON MITTEN: Okay. Thank you. I would
11 also like to encourage that anyone who does not get a chance to
12 testify tonight, it would be very helpful to the Commission if
13 you would submit your testimony in advance so that we could
14 read it.

15 And then we would be more prepared to ask
16 questions that are important to you and that are important to
17 us; and also, I think, would make you more comfortable about
18 summarizing your testimony, since you will have limited time to
19 testify, instead of reading the testimony.

20 We will read it and you can summarize and
21 emphasize the points that you care to. It's not required that
22 you submit your written testimony in advance. I'm just
23 encouraging you to do so.

24 I would also ask Mr. Elliott that to the extent
25 that you plan to call any expert witnesses, that you would

1 provide their qualifications in advance, as well, so that we
2 can just deal with that expeditiously.

3 Now, I know there's been some discussions with
4 staff about the time allotment for your -- your presentation
5 this evening. And your targeted time is one hour. And, Mr.
6 Elliott, you understand that you will have equal time for the
7 parties in opposition. And you and Mr. Herzstein need to work
8 together because you will have an equal amount of time to put
9 on your case.

10 And are the ANC representatives here this evening
11 from ANC -- would you come forward, please? Is 3D, 3 --

12 MS. QUINN: 3-D.

13 CHAIRPERSON MITTEN: Is there someone here from
14 3-E?

15 MS. HAMILTON: Yes.

16 CHAIRPERSON MITTEN: If you wouldn't mind just
17 taking a seat for a moment and identifying yourself for the
18 record?

19 MS. QUINN: Hi. I'm Leslie Quinn. I'm
20 Commissioner with ANC-3E; Ms. Quinn, Q-u-y-n-n.

21 MS. HAMILTON: And I am --

22 CHAIRPERSON MITTEN: Would you turn on the
23 microphone?

24 MS. HAMILTON: Thank you. I am Tanya Hamilton
25 and I represent ANC-3D.

1 CHAIRPERSON MITTEN: Thank you. Approximately
2 how much time do you think that you will need to put on your
3 presentation when the time comes?

4 MS. HAMILTON: We submitted the testimony that I
5 am going to speak to, in a letter to you.

6 CHAIRPERSON MITTEN: Yes.

7 MS. HAMILTON: So you have that information. And
8 I will just summarize it.

9 CHAIRPERSON MITTEN: That would be -- that would
10 be wonderful. And you, Ms. Quynn?

11 MS. QUINN: I will summarize as well. Maybe ten
12 minutes is what I anticipate.

13 CHAIRPERSON MITTEN: So total for the ANC, 20 to
14 30 minutes? I'm just trying to get a sense of time.

15 MS. HAMILTON: I think that's very ample.

16 CHAIRPERSON MITTEN: Okay. Thank you very much.
17 Now I think we're ready to proceed with your case. And I
18 think we -- you'll just go through it without interruption, and
19 we'll hold our questions until the end.

20 MS. DWYER: Yes. We think that would be much
21 more efficient. And, thank you.

22 For the record, again, Maureen Dwyer with Shaw
23 Pittman, and with me is Paul Tummonds, also with Shaw Pittman.

24 As you may recall, Paul handled the first Campus Plan case
25 since the transfer of jurisdiction, which was the Trinity

1 College case.

2 CHAIRPERSON MITTEN: I've -- I've already made a
3 mistake. I've neglected to ask for the witnesses to stand and
4 be sworn. So if you will just permit me to interrupt you, and
5 we will reset the clock.

6 Would all those planning to testify please stand
7 to take the oath? And it's whether you plan to testify this
8 evening or on the 26th. Any citizens who plan to testify
9 either tonight or on the 26th, either in support or in
10 opposition, please stand.

11 Mr. Bastida?

12 MR. BASTIDA: Yes.

13 (Whereupon, the witnesses were sworn.)

14 MR. BASTIDA: I would like to remind everybody
15 that the reporter needs the two cards, for the people who have
16 spoken already and for the forthcoming. And I thank you.

17 CHAIRPERSON MITTEN: I apologize. And I won't
18 stop you again.

19 MS. DWYER: I will just continue. We are very
20 pleased to be here tonight to present American University's
21 Campus Plan for the next decade as well as the three further
22 processing cases, including the new art center. We are also
23 pleased that we have the support of both the Office of Planning
24 and the Department of Public Works.

25 As the witnesses will discuss, the entire team

1 has worked very hard to develop a plan that is responsive to
2 the University's needs and also responsive to the community's
3 concerns. The approval we are requesting is a special
4 exception which is a use pre-deemed compatible provided certain
5 conditions are met.

6 The test is whether we will have an objectionable
7 impact in terms of noise, traffic, number of students, or other
8 objectionable impact. Based on the written materials we have
9 submitted and this evening's testimony, we believe that we meet
10 that test, and we are asking for your approval.

11 The Campus Plan that is before you includes both
12 the main campus and the Tenley Campus. And as the Chair has
13 pointed out, it does not include matter of right uses that are
14 located off campus. Let me also emphasize that what we will
15 not be discussing this evening is the 1989 agreement that was
16 part of the last Campus Plan.

17 This Campus Plan stands on its own merits. And
18 the process we have followed here, facilitation at the request
19 of the Office of Planning, is the same process followed by the
20 other universities. While we have not reached agreement at
21 this time on all issues, we remain hopeful.

22 And in the event there is an agreement, they
23 would be -- that would be proposed as conditions for any
24 proposed order of this Commission. A number of key issues are
25 unchanged from the last Campus Plan to this Campus Plan.

1 The enrollment cap is the same. We are not
2 requesting any increase in the enrollment cap. The employee
3 and staff cap is the same. We are not requesting any increase.

4 The boundaries of the Campus Plan are the same, and the square
5 footage is approximately the same.

6 We are requesting .65 FAR. The last Campus Plan
7 approved .64 FAR. What is most different about this plan is
8 the focus on the physical framework of the campus. And the
9 result, as the Office of Planning noted in its report, is a
10 greatly enhanced and connected landscape environment. And we
11 hope you agree.

12 Our presentation will be in three parts. The
13 first will be the University's representatives, followed by the
14 architectural presentation, and the final witness will be the
15 traffic consultant. And at this time I would like to introduce
16 David Taylor, who will address the mission and goals of the
17 University, its contributions to the District of Columbia, and
18 the planning process that the University engaged in with the
19 community.

20 He will be followed by Jorge Abud, who will
21 describe the physical features of the campus and the planning
22 goals for the future.

23 MR. TAYLOR: Thank you, Maureen.

24 I'm David Taylor. I'm Chief of Staff for
25 American University President, Benjamin Ladner. I'm the

1 University spokesperson and the President's liaison to the
2 external community. I have worked with the leaders of the
3 surrounding community organizations and have developed a
4 rapport of mutual respect with them.

5 American University has been in its current
6 location since 1893, when it was founded by the United
7 Methodist Church and chartered by an act of Congress. In the
8 following decades, the school developed and the neighborhoods
9 grew up around it.

10 Our strategic plan, Tab A, Item 1, summarizes the
11 primary goals of the University for the decades to come, which
12 is to build a distinctive global university identified by its
13 special connections to Washington, D.C.

14 AU offers undergraduate, Masters, Doctoral and
15 professional degrees through its six schools and colleges:
16 Arts and Sciences, Business, Communication, International
17 Service, Public Affairs, and Law. Our commitment to education
18 and public service is extended through our public radio
19 station, WAMU-FM, one of the top rated public radio stations in
20 the nation with an audience of more than 450,000 listeners.

21 American University contributes to the D.C.
22 economy in a number of ways: directly, through purchasing
23 goods and services, bringing visitors to town, and paying
24 salaries and wages; and, indirectly, through income taxes paid
25 by AU employees living in D.C. The total economic impact of

1 AU's presence exceeds 500 million annually for the Washington
2 area.

3 Our students come from the District, all 50
4 states, more than 160 nations. Our student body is among one
5 of the most diverse in the nation in its racial, ethnic,
6 religious, and nationality composition.

7 AU graduates remain here and become permanent
8 members of this community after graduation. Almost 43 percent
9 of AU's alumni live in or around Washington, D.C. Our students
10 are known for their social awareness and commitment to justice,
11 human rights, and international understanding.

12 Forty percent of AU's undergrads volunteer for
13 community service in Washington during their years here. And
14 in a global context, American University for the second
15 straight year has led the nation's colleges of similar size in
16 sending its graduates into Peace Corps service.

17 Regarding our students and where they live, two-
18 thirds live on campus and 85 percent of our freshmen and
19 sophomores live in campus dorms. The remaining undergraduates
20 live off campus and are scattered throughout the City, Maryland
21 and Northern Virginia.

22 Approximately 130 undergraduates live in the
23 20016 zip code, that includes the adjacent Spring Valley, AU
24 Park, and Fort Gaines neighborhoods, and area of some 30,000
25 residents. Our small number of off campus undergraduates is

1 one reason, perhaps, why AU's off-campus complaints are minimal
2 when compared with those of other local universities.

3 We average only about three or four complaint
4 addresses per semester. AU's issues are not those of Burleigh
5 (ph.) and not those of Foggy Bottoms, situations we have all
6 ready very much about in the local news media.

7 Since January 2000, we have engaged the
8 surrounding community in conversation regarding our Year 2000
9 Plan and the University's intentions. We assembled a working
10 group of community organization leaders; met with them and
11 others on more than 40 occasions, including appearances before
12 the two Advisory Neighborhood Commissions in which we are
13 located.

14 Since November, we have engaged the services of a
15 process facilitator, a concept we have support since our review
16 process, the surrounding community began. We have kept the
17 D.C. Office of Planning informed throughout and participation
18 by OP officials has taken place at our community discussions
19 since this past November.

20 Our sessions have been conducted with a
21 constructive tone that brought straightforward conversation and
22 a sharing of differing opinions and a concept of mutual
23 respect. True, we have not agreed on all issues, but the
24 effort has improved our University-neighborhood dialogue,
25 increased our awareness of community concerns, and provided new

1 perspectives for planning our future endeavors.

2 Issues we've discussed in length have included
3 the Katzen Art Center dimensions and shielding, traffic and
4 parking, student conduct, landscaping, student publication,
5 facilities' needs, and others. There is a complete list of
6 issues included as Exhibit G.

7 We have listened to the community and we have
8 altered our original plans. Examples of some of the
9 accommodations we have made include facilities limitations; we
10 established a facilities need of some 573,000 square feet, but
11 we have vowed to max our max
12 -- vowed to cap our maximum project development at 400,000
13 square feet.

14 We have dropped the Nebraska parking lot entry-
15 exit project after much discussion. Building K, behind the
16 President's Building, concerns about mass and height prompted
17 us to reduce the size of this structure, proposed structure, by
18 some 40 percent and eliminated it from further processing.

19 The Katzen Art Center, we have modified the
20 design, height, buffering and set-backs to accommodate the
21 concerns of our Fort Gaines neighbors. Traffic and parking, we
22 have designed the garage entry and exits to speed traffic flow
23 and to prevent queuing on the main streets, Nebraska Avenue and
24 Massachusetts Avenue.

25 Student behavior, we have adopted a neighborhood

1 program to strengthen our cooperation with the community in
2 dealing with instances of student misconduct. And this is
3 included in your materials as Exhibit O.

4 And postponement. Responding to the desire of
5 the community for more time to spend in
6 discussion with us, we postponed our original December 12
7 hearing for the current one today.

8 In closing, let me suggest that AU has been in
9 this community for more than a hundred years, adding a
10 dimension of cultural and intellectual life to Washington. Our
11 neighbors stroll around campus for evening walks, jog on the
12 track, and use our campus-based services.

13 Neighborhood children learn to swim in the pool;
14 high school students use Bender Library; retirees attend
15 lectures and participate in the special programs for the
16 Institute for Learning and Retirement.

17 Some who now oppose our plan have even written
18 notes to the University President to praise the campus
19 appearance, the landscaping, and for us honoring our
20 enforcement procedures to control student parking.

21 If the community enjoys our campus, it's great.
22 We are, after all, a neighborhood resource. AU is a mid-size
23 institution seeking to improve its academic offerings, maintain
24 its size, and not over-extend its reach. That is the reality I
25 ask for you to consider, and that is what our data supports.

1 Thank you very much.

2 MR. ABUD: Good evening. I'm Jorge Abud,
3 Assistant Vice President for Facilities and Administrative
4 Services. I'd like to give you a quick -- quick history of our
5 facilities, and then talk about the planning process.

6 I think it's important to note that we feel the
7 University fits into its neighborhood quite well. And it's a
8 diverse neighborhood from a real estate sense. There are very
9 low density areas, with homes on large lots, ranging to high
10 density areas of residential and commercial properties.

11 The University grew quite slowly over its first
12 five decades, both in terms of enrolment as well as buildings.

13 After World War II, however, it expanded quite rapidly to meet
14 the needs of returning GIs, as a national trend of increased
15 rates of college attendance took hold, and also to -- as the
16 Baby Boom generation came of age.

17 So for the next 30 years the University
18 enrollment grew quite rapidly and to a historic high. And,
19 consequently, its facilities also grew as well. As a matter of
20 fact, many of the on the campus today, or most of the buildings
21 on the campus today were built during this period of time.

22 The 19 -- in the late 1970s, the University
23 changed its focus and adopted a much more selective admission
24 policy. Our enrollment dropped and the facilities were much
25 more focused in terms of their development, and targeted for

1 special needs. The library, the sports center, and adding the
2 Tenley Campus were examples.

3 In the 1990s, our focus was much more on quality,
4 with only 12,000 square feet of facilities being added, but
5 with major renovations of all our residential facilities to
6 make them more attractive and contemporary, as well as our
7 academic facilities to make them state-of-the-art.

8 We use some off-campus properties as locations to
9 meet our needs. We have four buildings located in roughly a
10 one-mile radius from the main campus, and are used for a
11 variety of functions.

12 When we launched into the planning process for
13 the 2000 Campus Plan, we looked at the University's existing
14 planning process and the strategic plan for guidance. But,
15 more specifically, we wanted to look at the changing needs of
16 our students, and we identified a number of things.

17 Primarily that they -- our students want
18 flexibility. They want to be able to form their own
19 educational experiences through a variety of traditional
20 classroom work, off-campus experiences, such as volunteer work,
21 field study and internships.

22 They also want to see technology everywhere, not
23 just in a few computer labs but also in the residence halls, in
24 all our classrooms and lounges, and even in the dining halls.
25 Variety, choice and flexibility are the watch-words that we

1 identified.

2 Through -- through these studies we identified a
3 number of facilities needs. Increasing instructional space is
4 very important to us, both for flexibility of our general
5 instructional space as well as to meet specialized needs for
6 computer labs and science labs, where the sciences change very
7 rapidly.

8 We have a longstanding need for -- to provide
9 individual faculty offices for all our full-time faculty, and
10 it's -- it's one that we're way behind on, as well as providing
11 offices for our part-time faculty.

12 Improving the student center for student activity
13 purposes and enlarging our library that is now, by many
14 industry measures, about half the size it out to be, to house
15 an ever-growing collection as well as to meet the needs for
16 research and study.

17 Having identified these needs, we -- we developed
18 some specific goals for the Campus Plan, with the over-arching
19 goal that what we wanted to do was support the University's
20 mission through high-quality facilities.

21 One things to note is that in none of these
22 discussions were we talking about significant growth. It's
23 really providing facilities for our existing population. We'd
24 like to build a comprehensive arts center, both to house new
25 faculty offices as well as the specialized instructional space

1 that goes with it; and a gallery, as an educational tool as
2 well as a public service.

3 We need to create, as I said, individual faculty
4 offices, through a program of renovation and new construction
5 as well as new instructional space, both through renovation and
6 new construction. We want to organize the campus in a better
7 fashion, putting the core academic functions at the center of
8 the campus and having support, administrative functions further
9 out on the campus or in off-campus locations.

10 And, lastly, we'd like to capitalize on the
11 garden nature of our campus by continuing a beautification
12 program. As I said before, we're talking about facilities for
13 essentially our existing population. And as this graph shows,
14 our enrollment has been stable over the last ten years.

15 It shows a drop in 1996, because that's the point
16 where the Law School moved off the campus. And if we were to
17 look at the ten years prior to this, we would also see the same
18 stable kind of enrollment pattern.

19 Lastly, I would like to emphasize the need for
20 flexibility. We operate an actively competitive educational
21 marketplace. The students who apply to AU apply to four or
22 five other universities at the same time.

23 We need to be able to develop new programs as old
24 programs phase out, and we need to be able to have new deliver
25 methods, whether it be distance education, small group study,

1 or short courses, and we need to be able to develop our
2 facilities so we can assimilate technology throughout the
3 University.

4 Having taken all these -- all these needs into
5 account and looking at the campus from the inside, we hired the
6 planning firm of Idad to help us start to look at the campus
7 from the outside.

8 MS. DWYER: Thank you. I'm also going to call
9 Steve Kleinrock up to the table because the architectural
10 presentation is both Marsha Lea and Steve Kleinrock, and
11 they're going to jump in and out as needed, as they explain
12 both the larger Campus Plan issues as well as the further
13 processing application for the Arts Center.

14 MS. LEA: As Jorge mentioned, I'm with the
15 landscape architecture and planning firm of Idad. We were
16 asked to assist AU in the development of a physical plant for
17 the campus that not only met their facility needs but also
18 addressed issues related to campus image, circulation and open
19 space.

20 To that end, we evaluated the existing campus
21 setting, including reviewing pedestrian and vehicular
22 circulation, open space, building uses, and campus image. I
23 will briefly review our findings, our objectives, and then walk
24 you through the Campus Plan.

25 The main campus is located at the intersection of

1 Nebraska Avenue and Mass. Avenue at Ward Circle. There is a
2 second portion of the campus at Tenley Circle on Wisconsin
3 Avenue and Nebraska Avenue, about a half a mile apart.

4 As Jorge mentioned, the campus is located in a
5 diverse neighborhood of single-family homes, multi-family
6 homes, townhouse, high-rise apartments and institutional uses.

7 The existing campus is primarily located south and west of --
8 this is Nebraska Avenue, Massachusetts Avenue, Ward Circle.

9 It's about 77 acres in size, with the Tenley
10 Campus being eight acres. The allowable FAR is --

11 CHAIRPERSON MITTEN: Ms. Lea, can I get you to
12 just put that microphone a little bit closer to your mouth.

13 MS. LEA: Sure. How's that?

14 CHAIRPERSON MITTEN: Thank you.

15 MS. LEA: Okay. There is a main formal, central
16 open space located on the campus called the Friedheim
17 Quadrangle, around which many of the academic buildings are
18 organized and some of the student life facilities, such as
19 Bender Library here, the Student Center here, Case Spiritual
20 Center there, and other academic buildings.

21 The Sports Center and its associated 400-plus car
22 parking lot are located in the geographic center of the campus
23 with dormitories in this location and in this location. The
24 Cassell Center site is on the north side of Massachusetts
25 Avenue and there is a large 900-plus parking lot on the east

1 side of Nebraska Avenue.

2 The western portion of the campus is used for
3 recreation facilities, as is one parcel north and west on Mass.
4 Ave. One of the things we looked at immediately was the
5 existing circulation, both vehicular and pedestrian. And we
6 discovered several things.

7 The main entrances to the campus are obviously at
8 Mass. Ave. at the Glover Gate and via Rockwood Parkway,
9 Nebraska Avenue at the Fletcher Gate. The main campus road
10 currently connects those two and runs right through the middle
11 of campus, going under the Butler Pavilion and the tunnel.

12 That is one of the further processing projects.
13 That effectively cuts the campus in half and requires that all
14 of the pedestrians that are using the academic core cross in
15 order to go to dormitories and the recreation spaces.

16 Let's see. The -- AU has a shuttle service that
17 runs between the Tenley Metro Stop and various campus
18 locations, including the law school, some of the office
19 buildings, and the Tenley Campus and the main campus.

20 We also looked at open space. Again, there's a
21 significant formal open space which you see on the picture,
22 which is called the Friedheim Quadrangle, in this location.
23 The recreation facilities are located over here.

24 There's a significant landscape buffer around the
25 southern and the western perimeter of campus. There's a little

1 bit of active recreation that goes on here. There's an
2 amphitheater space and some small pieces of open space, weak
3 links between them in intermittent pattern.

4 Our -- our goals or objectives, after we reviewed
5 the existing campus, were to do several things. I think
6 foremost was return -- to return the heart of the campus to a
7 pedestrian space with an academic and student-life focus
8 instead of as a place for cars.

9 We wanted to -- in doing that, we hoped to
10 minimize the conflicts between pedestrians and vehicles;
11 strengthen pedestrian connections throughout the campus and
12 into campus. We wanted to increase and connect the green
13 space, and we wanted to provide appropriate setting for needed
14 facilities.

15 To that end, we took a look at proposing some
16 changes to the existing circulation system which include
17 removing that center spine of the campus road and relocating it
18 to existing roadway or parking areas on the western side of
19 campus.

20 The only portion of roadway that doesn't exist is
21 this small area in front of one of the existing buildings. We
22 also suggested moving much of the surface parking to parking
23 structures that would be below ground and built as part of new
24 building construction.

25 The new parking proposed is approximately 400

spaces above the existing parking count. And we also want to suggest stronger pedestrian connections at the existing gates along Nebraska Avenue and at the Glover Gate.

Open space improvements include taking advantage of the removal of roadways to include a new quadrangle at the entrance just as you enter the Glover Gate, a new quadrangle that would connect McKinley Hall, which is right there, with the recreation area. That is possible by the removal of the roadway. Enhancing an existing courtyard in a dormitory; removing parking here and creating a courtyard.

We also propose to enhance the new campus road and emphasize that as the campus road by adding street -- tree plantings and buffer plantings to mitigate any effects it might have on the neighborhood; and to enhance the streetscape of both Nebraska Avenue and Massachusetts Avenue in keeping with their status or consideration as special streets.

These are just detailed plans of some of the proposed enhancements. This upper plan view is of the Friedheim Quadrangle with a more informal network of path systems and some special spaces created, such as a fountain plaza in front of Bender Library, gathering spaces at key locations on the plan.

This would be new quadrangle behind McKinley Hall, connecting the Friedheim Quadrangle with the recreation area, and some detail of how the academic quad could be

1 replaced with a green space.

2 The slide that I have up now shows the approved
3 1989 Master Plan, alongside the proposed Campus Plan. As noted
4 in the documents you've received, the college -- the University
5 is proposing 500,073 gross square feet, although they're
6 suggesting they would limit that would limit that to 400,000
7 square feet. But they're asking for flexibility in which
8 building locations they would use.

9 Four of those building locations as proposed are
10 additions or renovations to existing buildings. Four buildings
11 are replacements of existing or obsolete -- existing, obsolete
12 or inefficient buildings, and only three of them are new
13 building sites. And those building sites were approved in the
14 '89 plan.

15 I will refer you to Exhibit 15 and Exhibit 16 of
16 the Pre-Hearing Statement Application for further explanation
17 of this. As noted earlier, AU is asking further processing of
18 three projects. Project I is the enclosure of the tunnel under
19 the Butler Pavilion; Project G is the Mary Graydon Student
20 Center addition; and Project L is the art center.

21 This is Project G, the addition to Mary Graydon,
22 which replaces an existing bridge, exterior bridge that
23 connects the Friedheim Quadrangle, which is down here, with the
24 Butler Pavilion, and provides access into Mary Graydon Hall
25 now.

1 It would be an enclosed structure that would look
2 like this, as seen from the quadrangle and, again, as seen from
3 the quadrangle over here. And this is the view as seen from
4 the existing campus road just before it goes into the Butler
5 Pavilion.

6 This is Project I, which is the enclosure of the
7 current tunnel. There a roadway and a drop-off area for the
8 sports center. It's approximately 20,000 square feet of multi-
9 use space that would supplement what is existing in the Mary
10 Graydon Center.

11 And this is the existing condition now, and it's
12 proposed to enclose that with a store front. Project L is the
13 Katzen Arts Center. This is a slide of a portion of the
14 existing site. You can see that there are three buildings that
15 exist today. There is a pedestrian entrance off of
16 Massachusetts Avenue near the Glover Gate, which is located
17 here.

18 There is an existing service drive that brings
19 traffic to the parking area for about 90-plus cars in the rear
20 of the building, and a small service drive that comes along the
21 front.

22 The topography of the site is such that it --
23 Ward Circle is a bit of a high point in this area, and
24 Massachusetts Avenue drops off quite rapidly downhill as it
25 moves to the west. The building sits on a bit of a plateau

1 now, with existing trees along this hillside along Mass. Ave.

2 And I'll turn it over to Steve Kleinrock to begin
3 speaking about the Katzen Arts Center Building.

4 MR. KLEINROCK: Thank you. I'm Steve Kleinrock
5 with Einhorn, Yaffe, Prescott. I want to start by saying the
6 community does not object to the concept of an arts facility.
7 And I think what we're talking about here are the details of
8 this facility.

9 Also, the Office of Planning supports the idea of
10 -- the concept of an arts facility on the site because it's a
11 civic building by nature. It's a gateway, will serve as a
12 gateway to American University, a gateway to Spring Valley and
13 to the American University Park neighborhood. And we believe
14 it will contribute to the vitality, the cultural vitality of
15 Washington, D.C.

16 As the architect for this project, we had three
17 challenges, I think. One was to achieve the academic mission
18 of the University within this building. The second was to work
19 with constraints of a restrict site, which is a long and narrow
20 site.

21 And the third was to involve the community and to
22 take their input into consideration as we developed this
23 building. And in terms of community participation, it's
24 important to note that as I go through the drawings of this
25 building, there's been significant -- they've had a

1 significant, and I think worthwhile meaningful impact on both
2 the placement of the building on the site, the size of the set-
3 backs, on the internal organization of the building, and also
4 the height and massing of the building. And as I go through
5 the drawings I will be pointing those out.

6 Marsha, do you want to talk a little bit about
7 the sit?

8 MS. LEA: Sure. The proposed garage entrances,
9 again, opposite Glover Gate, the garage parking would all be
10 below ground. The grading is such that we would replace the
11 hillside in pretty much the same manner as it exists now.

12 The building would sit at approximately the same
13 elevation as the entrance on the Massachusetts Avenue side to
14 the buildings that are there. This existing service drive we
15 propose to retain as a service drive in its current
16 configuration until it gets to about there.

17 And then we're moving it a little further from
18 the property line and starting to depress it as it enters the
19 garage level. So the elevation of this roadway is much
20 depressed from what the elevation of the existing roadway is
21 now in parking area.

22 The existing trees, from about here all the way
23 down to the next street, would remain undisturbed as is that
24 entire portion of the site. And we're proposing a heavy
25 evergreen screen, a mix of broad leaf and needle evergreens, on

1 a berm with an opaque fence behind on the residential side of
2 the building.

3 A new planting in front of the building would
4 replicate or approximately repeat what is existing on
5 Massachusetts Avenue, that informal feeling of shade trees in a
6 variety of swushies. Okay.

7 MR. KLEINROCK: One second. I want to point out
8 the organization of the building. That replaces the gallery
9 located here, closest, because it's the most public and
10 sculptural piece of the building, closest to Ward Circle.

11 The next piece of the building, which is the mid-
12 section of the building and the narrower section of the
13 building, providing space for a plaza that faces south and --
14 and accessible to the community is in the middle of the
15 building.

16 And the academic wing is furthest away from Ward
17 Circle. Just so you understand the way the building is
18 organized in three components.

19 MS. LEA: This is a detailed plan of the terrace.
20 Again, Glover Gate is right here. This is the entrance to the
21 garage. We envision a very broad set of steps that would bring
22 you up to the elevation. Again, this is a little bit lower on
23 Massachusetts Avenue, here, than it is at Ward Circle, which is
24 right here.

25 You could walk without steps along this path and

1 walk, using the steps, up into the building to the academic
2 portion and into the gallery in that direction. We've designed
3 a plaza that would be -- would have plants and water and stone
4 integrated into it, and many opportunities for sculpture and
5 outdoor activities.

6 MR. KLEINROCK: The light colored buildings in
7 the site plan identify the existing buildings on the site.
8 This is a low metal building. This the gymnasium. This is the
9 pool building. You can see that our building more or less
10 takes up the same area as the existing buildings.

11 And one of the things that we did during this
12 process early on with the community, we had started our
13 building here. And during the process a suggestion from the
14 community, and I think a very brilliant one, actually, was to
15 move the building forward to sort of impact fewer houses along
16 the north property line.

17 But it also created a better urban design,
18 putting the gallery up closer to the -- to Ward Circle. The
19 set-backs along the north side of the building are 25 feet at
20 this point of the site, closest to Nebraska Hall.

21 And then it -- it extends down to 70 feet further
22 down the site at the far end of the building. And it's 86 feet
23 at the third floor. As you'll see, we've stepped the third
24 floor back. So we've tried to maximize the set-backs along the
25 north side of the building.

1 What I want to talk about in this drawing is --
2 is working with the community we've developed a buffer. The
3 top drawing is an elevation of the back of the building. You
4 can see that we've proposed a fence along the back property
5 line.

6 And the vegetation as shown here is at
7 installation growth. And -- and the whole idea here was to try
8 to screen the building as best we could. And the whole
9 building is pretty well screened.

10 And -- and the section of the building, what
11 we're showing here is that the first floor of the building is
12 buried at the north side of the building. So it's three
13 stories on Massachusetts Avenue, two stories along the north
14 side of the building.

15 So the grade comes up, and we've created enough
16 space back between the north side of the building and the
17 property line to create a landscape berm to further separate
18 the building from the adjacent houses.

19 What I want to talk about here is the
20 organization of each of the floor plans. I won't spend a lot
21 of time, but it's important to understand how we've organized
22 the building. This is the entrance into the art gallery on the
23 east end of the plaza.

24 This is the entrance into the academic wing on
25 the west side of the plaza. We've placed the gallery at this

1 end, as I've suggested. There's a sunken sculpture which is
2 accessible from the first floor and visible from the outside of
3 the building on Ward Circle.

4 We've placed the two performance spaces here.
5 Those are tall spaces, but one story of it is below grade at
6 the back of the building. So the building really is about 18
7 feet tall along the back edge of the building.

8 It's windowless space, so we -- you know, we
9 tried to put as much windowless space along the north side of
10 the building as we could. And then in
11 -- in the academic wing we've placed the entire Music
12 Department, which doesn't need a whole lot of light, although
13 they don't necessarily agree with that.

14 But we -- we put this below grade to screen the
15 neighbors from the Music Department. So there are skylights
16 along the back edge of the building here at grade. And then
17 you'll see consistently throughout the plans that we've placed
18 all the more active spaces along the south side of the building
19 along Massachusetts Avenue.

20 At the second floor, we have the art gallery
21 here, which is interesting that we've created a breezeway
22 through the building which allows you to get from Nebraska hall
23 or Nebraska Avenue by walking through the building, without
24 actually going inside the building.

25 It takes you to a plaza. You come down a set of

1 steps to the plaza or you can walk along this breezeway which
2 takes you to the second floor of the academic building. And,
3 again, we've taken all the most active spaces, classroom
4 spaces, put it on the south side of the building.

5 And we've taken the faculty offices back here,
6 which are used in a more controlled way by single individuals.

7 We've put them to the north side of the building so that we're
8 able to control the use of the north side of the building.

9 The third floor of the building is -- is the
10 smallest floor of the building. It has an art gallery at the
11 east end of the building and an academic floor at the west end
12 of the building. And, again, we've pulled the building back 25
13 feet at the third floor in the last few weeks.

14 There's a corridor along the back edge of the
15 building, with graduate studios at this edge, so that the
16 community is then further screened along the north edge by a
17 corridor which has very minimal light in the evenings. And
18 we've placed all the public and active spaces to the south.

19 Briefly, I want to talk a little bit about the
20 parking. We have three levels of parking in the building, with
21 its entrance and exits at Glover Gate on Massachusetts Avenue.

22 We've designed the garage so that it has plenty of space in
23 the garage for stacking of cars.

24 The service entrance, as Marsha indicated, is --
25 comes below grade. So there's no service above grade and it

1 enters the garage at its first level, and all services below
2 grade, you know, further shielding that from any noise from the
3 community. And we've located, also, the mechanical room at
4 this level.

5 The next series of images, I want to talk about
6 the elevations of the building. The bottom image shows the
7 three existing buildings in yellow. I know this is a difficult
8 slide to understand. And the building in outline is the
9 proposed building.

10 And you can see that for a good portion of the
11 building we are either the same height or -- excuse me -- lower
12 than the existing buildings on the site. And, again, on this
13 elevation you can see that we've really minimized the amount of
14 windows on the north side of the building.

15 And the windows that we do have are above eye
16 level, and translucent glass. And the windows that are at the
17 second floor of the building are screened by the fence and
18 berm. The Massachusetts Avenue side of the building, this is
19 the gallery part of the building which is much more sculptural.

20 This is the plaza portion of the building. And
21 then the academic wing of the building facing Massachusetts
22 Avenue has, you know, much more glass in it, and facing south
23 and creating an active front of the building, which we think is
24 important along Massachusetts Avenue.

25 The next series of images I want to go through

1 rather quickly. The -- the buildings in yellow are the
2 existing buildings on the site now, the metal boarded-up
3 buildings that were built in World War II. The building in
4 blue is the proposed.

5 We've cut a series of sections. You can see that
6 at 4416, at this house, our proposed building is actually lower
7 than the existing gymnasium building. Although we're closer to
8 the site at this point in the existing building, our sight line
9 is -- is pretty much the same as what exists now because the
10 building is lower. Next?

11 Again, at 4420, our building is lower than the
12 existing building on the site. And although we're closer,
13 again, to the property line, with the berm and the sight line
14 that's created, the sight light is relatively the same as the
15 current condition.

16 At 4424, which is through the rotunda, which is
17 the entrance to the academic building, that's where our
18 building is the tallest, about five feet, four inches taller
19 than the existing gymnasium building.

20 But also note that we've centralized our
21 penthouse in one location for this big long building. And that
22 allows, you know, which is typically fourteen-six inches tall,
23 above the third floor we've compressed that as much as we can.
24 And that's where we are with that.

25 At 4428, again, you can see where we step the

1 building back 25 feet. Same thing at 4432. This is the
2 existing pool building. And what I want to point out here is
3 that you can see the west profile of the building where we've
4 carved away the building and we've stepped the building back as
5 far as we can from the property line.

6 This is a view from Ward Circle. And what we've
7 tried to achieve is to create this landmark building, putting
8 the most sculptural piece of the building closest to Ward
9 Circle. This is the rotunda.

10 And what we've tried to do with this building is
11 take a long building and break it down through the use of
12 sculptural forms and break down the mass of the building. This
13 is a view of the entrance into the academic wing of the
14 building at the rotunda, and the south facing academic wing and
15 the plaza.

16 I think in conclusion, you know, we'd like to say
17 that we're hopeful that this building will create that landmark
18 that we're looking for and serve as a gateway to American
19 University and to the neighboring communities. Thank you.

20 MS. DWYER: Our final witness will be the traffic
21 and transportation consultant, Nicole White. And I would just
22 like to point out, as we indicated in the record American
23 University actually retained two transportation consulting
24 firms.

25 And Alan Brick-Turin of HNTB will be available

1 for cross-examination. But the leading firm for the purposes
2 of the traffic analysis was Gross Slade. And Nicole White will
3 give the direct presentation.

4 MS. WHITE: Good evening. My name is Nicole
5 White and I'm an associate project manager with Gross Slade.
6 We were retained by American University to prepare the traffic
7 and parking study for the Campus Plan.

8 Our primary objectives for this study were to
9 examine existing traffic and parking conditions, project future
10 traffic and parking conditions for the year 2010, to take a
11 closer look at traffic conditions associated with the Katzen
12 Arts Center, to recommend transportation improvements, and to
13 work with the University to enhance its transportation
14 management plan.

15 I'll start with parking. The 1989 Campus Plan
16 requires that the University maintain 2490 off-street parking
17 spaces. As of August, 2000, we walked around the campus and we
18 counted each of the parking space. And we counted an inventory
19 of 2,523 spaces, which meant the University was in compliance
20 with the '89 plan.

21 Back in the fall of 1999, we did a week-long
22 survey where we counted all of the parked cars on the
23 University. We did this for four time periods throughout the
24 day, and what we found is that the peak time for parked
25 vehicles was at 1:00 p.m. on a Monday. And during this time,

1 15 percent of the spaces were vacant. So that is a lot of
2 vacant spaces there.

3 The neighborhood parking, also we took a look at
4 that and found that there is no problem, that there's adequate
5 parking, because 78 percent of the spaces were vacant during
6 the peak time, which was 1:00 p.m.

7 We projected future parking by taking a look at
8 the individual growth components associated with students,
9 faculty, staff and even visitors, and we found that the future
10 University parking requirements would be 2,935 spaces.

11 Marsha Lea and Steve talked about adding 470 or
12 approximately 470 net new spaces on the campus. And with that
13 in mind, we'll have 2,960 spaces, which is above the 2,935
14 space requirement that we projected.

15 Moving on to traffic, I think it's important that
16 we understand the traffic characteristics around the main
17 campus. Massachusetts and Nebraska Avenue are two primary
18 materials that are adjacent to the main campus. They carry
19 27,000 and 34,000 average daily vehicles per day.

20 A large percentage of the traffic on these
21 roadways is commuter traffic. In fact, we did a calculation
22 and found that only seven percent of the morning peak hour
23 traffic was University related, and 14 percent of the evening
24 peak hour traffic was University related. So that means that
25 more than 80 percent, or roughly 80 percent of the traffic is

1 community -- commuter associated.

2 I'm sure you all are familiar with the term
3 "level of service," but let me just refresh your memory. It is
4 a term that we use to describe vehicles to capacity ratio, or
5 an average delay experienced by motorists, the average motorist
6 arriving to an intersection.

7 The ratings range from a Level of Service A to a
8 Level of Service F, with Level of Service F being the best and
9 -- A being the best and F being the worst. And D is an
10 acceptable level of service by the Department of Public Works,
11 although many jurisdictions accept a level of service E. And,
12 also, on certain downtown locations a Level of Service F is
13 acceptable.

14 So we took a look at 13 intersections adjacent to
15 the main campus and seven intersections adjacent to the Tenley
16 Campus. And we found that 12 of the 13 intersections currently
17 operate at an acceptable Level of Service, D or better.

18 Only the Ward Circle-Nebraska intersection
19 currently operated below a Level of Service D. And near the
20 Tenley Campus we found that all of the intersections, except
21 the Nebraska-Warren intersection, currently operate at
22 acceptable levels of service.

23 This next figure, I just wanted to show you not
24 only do the intersections operate at a Level of Service D, but
25 they're actually operating at like a Level of Service B or C,

1 or better. And, again you see that the only failing
2 intersection is the Ward Circle-Nebraska Avenue intersection.

3 In order to project future traffic conditions, we
4 looked at two things. We first looked at growth rate
5 associated with American University, the student and faculty
6 and staff growth rate. And then we also looked at background
7 growth.

8 Now, we looked at traffic trends over the past
9 ten years and found that traffic on Nebraska and Massachusetts
10 Avenue basically stayed the same, or else decreased within the
11 past ten years. But to represent a worst case scenario, what
12 we did was we increased it at a rate of .05 percent per year.

13 And we added all this together and we came up
14 with future traffic projections. We used the same level of
15 service methodology that we used to examine existing
16 conditions, and we took a look at future conditions.

17 We found that the same 12 intersections that
18 operate at acceptable levels of service during existing
19 conditions continued to operate at acceptable levels. And the
20 only intersection that did not operate at a Level of Service D
21 was the Nebraska-Ward Circle, which operated at the Level of
22 Service E and F during existing conditions.

23 And the same thing with Tenley Campus. All of
24 the intersections that operated at acceptable levels during
25 existing conditions continued when we looked at 2010 traffic

1 volume. And, again, this is a figure showing how we have
2 Levels of Service Bs and Cs, and even an A and B at the Glover
3 Gate. And this is with 2010 traffic volumes.

4 And part of the reason why the University has
5 such a relatively low level of traffic generation is, in short,
6 because not a lot of people drive to the University. But a
7 better answer is because of it's commitment to transportation
8 management.

9 I'm sure you've heard of a transportation
10 management plan, TMP. All of the institutions have them now.
11 And the primary purpose is to minimize traffic demand on the
12 public roadways and to minimize traffic demand on the campus,
13 and, also, to maximize the effective use of parking.

14 Some of the TMP programs that the University
15 currently has in place is its Metrochek program, which is a
16 pre-tax program offered to its employees, which is convenient
17 considering the Tenley Campus is just two blocks away from the
18 Metro Station, and the main campus is also within walking
19 distance.

20 And for those that don't wish to walk, the
21 shuttle bus is available to transport people back and forth. I
22 think an important thing to look at is that 1.2 million riders
23 ride this AU shuttle bus each year. Also, the University is
24 committed to working with commuter connections for carpool
25 programs.

1 This next table, I think the most important
2 number that stands out to me is that 23 percent of students
3 drive or ride. The rest of them use the AU shuttle, Metro bus,
4 or walk because they live on campus. And also an important
5 number is that 68 percent of faculty and staff drive or ride.

6 To take a closer look at traffic associated with
7 the Katzen Arts Center, Marsha spoke about the access directly
8 across from Glove Gate, and also that there will be a 550-space
9 parking garage located here.

10 But it's important, and this is part of the
11 University's transportation management plan, that 200 of those
12 550 spaces will actually be storage spaces for residential
13 students. So the garage will actually act as a 300-space
14 parking garage.

15 And then another hundred of those spaces are for
16 visitors who come during off-peak periods. So that helps to
17 reduce the peak traffic demand. Also, at one time we
18 recommended that the University eliminate its left -- left-turn
19 restriction during the peak period.

20 But after working with the community, we put that
21 back in place. So that should also help traffic conditions at
22 this intersection. And, again, in the year 2005 and the year
23 2010, we projected that the intersection will operate at a
24 Level of Service A and Level of Service B during the p.m. peak
25 hour.

1 And our conclusions are the University would
2 continue to account for a very small percentage of traffic
3 within the roadway network. The University would continue its
4 strong commitment to transportation management.

5 The University would continue to provide adequate
6 campus parking. And because of all of this there will be no
7 perceptible impact due to traffic and no objectionable impact
8 due to traffic or parking.

9 MS. DWYER: Thank you. I'd like to commend all
10 the witnesses. We've finished with eight minutes and 14
11 seconds to spare.

12 I want to add one thing at the end, and that is
13 just to remind you that Exhibit A to the large booklet that we
14 filed is the Campus Plan document. And if you look through
15 that document, I think it's Exhibit 16 and 17, lists all of the
16 projects that are being proposed, identifies each.

17 Also included in our pre-hearing submission are
18 the plans, the reduced plans for the art center and for the
19 other further processing. So I think all the materials that
20 we've talked about in general terms on these slides are in the
21 materials that you have. And between now and the next hearing
22 you may have a lot of questions.

23 But, meanwhile, I'd like to call the group, the
24 panel back for cross-examination by the Commission at this
25 time.

1 CHAIRPERSON MITTEN: Thank you. That's a good
2 idea. You can stop the clock so it doesn't go off in seven
3 minutes.

4 MS. DWYER: I'm wondering if it would be better
5 to do it in groups. Should we have the University
6 representatives first or the architectural? What is your
7 preference?

8 CHAIRPERSON MITTEN: I think it might be better
9 if everybody sort of gathered around.

10 MS. DWYER: Great.

11 CHAIRPERSON MITTEN: Who would like to begin?

12 MR. HOOD: Madam Chair, I will go first since I
13 think I have the fewest questions.

14 Mr. Taylor, you mentioned, and I believe you were
15 the one who mentioned that you only had three or four incidents
16 per semester.

17 MR. TAYLOR: That's correct.

18 MS. DWYER: You have to move up.

19 MR. HOOD: If you can come to the --

20 MR. TAYLOR: That is -- that is an average week.
21 We log the complaints that come in and we log them out over --
22 on an annual basis.

23 MR. HOOD: Okay. And --

24 MR. TAYLOR: So those are the ones that we're
25 made aware of.

1 MR. HOOD: I guess I raise that because I'm more
2 interested in the quality of the problem as opposed oz the
3 quantity.

4 MR. TAYLOR: Right.

5 MR. HOOD: Three or four. What normally do you
6 have problems with, with the students? What normally are there
7 problems?

8 MR. TAYLOR: Typically -- typically it would be a
9 situation of, say, late-night hours, perhaps some weekend
10 activity, primarily just loud --

11 MR. HOOD: Parties, a couple of drinks?

12 MR. TAYLOR: Correct.

13 MR. HOOD: But three or four a semester?

14 MR. TAYLOR: In terms -- in terms of the
15 identifiable addresses. Those are the ones that we tend to
16 track.

17 MR. HOOD: I think the name was George Booth. I
18 may have gotten that incorrectly. Oh, I'm sorry. Abud.

19 You mentioned that there were four buildings in a
20 one-mile radius. What are they used for?

21 MR. ABUD: One is graduate housing. The other is
22 the home of our law school. One is -- has a variety of
23 administrative functions. The radio -- our public radio
24 station is -- is the main function in that building.

25 And the last one has a combination of University

1 administrative offices and is also an investment. It has
2 retail shops and leased space, and it will be the home our
3 theater that's to be relocated from the campus.

4 MR. HOOD: And those are the only four buildings
5 you have off campus?

6 MR. ABUD: That's correct.

7 MR. HOOD: Ms. Lea?

8 MS. LEA: Uh-huh.

9 MR. HOOD: I think I under -- I heard you
10 correctly. And I sit here thinking, I said, no, I didn't hear
11 that. I heard you saying you were cutting back on streets or
12 you were cutting the street --

13 MS. LEA: You're talking about the campus road?

14 MR. HOOD: Right. The one that goes through the
15 street, you're cutting back on the road.

16 MS. LEA: Right. Our proposal is to eliminate
17 the center section of the campus road that -- just after it
18 enters the Glover Gate. And after it leaves the Butler
19 Pavilion on the south side we would remove that as roadway and
20 use existing roadway on the western side of the dorms --

21 MR. HOOD: Okay.

22 MS. LEA: -- to create the campus road. And it -
23 - so, yeah, we would be cutting that middle portion of the
24 campus road as it exists now.

25 MR. HOOD: Let me just ask you. I think you have

1 four or five entrances, correct?

2 MS. LEA: Four or five?

3 MR. HOOD: Entrances into the University, two
4 main ones?

5 MS. LEA: There are, yeah, Glover Gate, Fletcher
6 Gate, and then the Woods Gate goes into a parking lot next to
7 the library.

8 MR. HOOD: Okay.

9 MS. LEA: And there's another small parking lot
10 that has -- that has a vehicular entrance off of Mass -- or off
11 Nebraska.

12 MR. HOOD: I'm not sure if you are the correct
13 person to ask this, or Ms. White. I see a temporary -- I see a
14 traffic problem, from what I see, from what was presented, if
15 you're going to start cutting road access, egress and ingress
16 within the community's boundaries -- within the University's
17 boundaries.

18 I don't -- how can you work through that? You
19 know, because it's a straight shot. You can go this way, to
20 the right or the left. But if you start cutting the road, then
21 I just see a problem.

22 MS. LEA: Well, along with removing that roadway
23 we're proposing to relocate the 400-and-some parking spaces
24 that that roadway services, primarily, in addition two small
25 parking lots and put them in new parking structures that --

1 some of them have access directly off of Nebraska Avenue or
2 Massachusetts Avenue.

3 So the way people arrive on campus will be
4 modified. But cutting that road will not really impact how
5 they can get to the same amount of parking that's there now.
6 Maybe Nicole can add to that.

7 MR. HOOD: I'm not necessarily talking about
8 parking. I'm talking about dropping off. You know, most
9 ladies like to be dropped off at the door, those kind of
10 issues. And I just see that as --

11 MS. LEA: That function can still be accommodated
12 with the campus road being re-aligned in the way that we're
13 showing. You would still have access to the fronts of most of
14 the buildings along that road.

15 MR. HOOD: Okay. Ms. White, I think you
16 mentioned in your testimony that you knew that the traffic was
17 not University related. I guess my question is, and I'm not
18 trying to be a transportation expert, but how can you tell the
19 difference between the two? I mean, did you stop and ask, or
20 did you just guess what traffic came in?

21 MS. WHITE: No. What we do is -- you named that
22 there were like five gates or entrances to the University, and
23 there are also several parking lots. So what we did is we had
24 counters count all of the traffic coming in to each of those
25 gates and each of the parking lots during the peak time.

1 And so you're able to calculate the trips that
2 are specifically associated with the University if you do that.

3 And then you look at a ratio of that over the total traffic in
4 the area, and able to determine how much of the traffic is
5 related specifically to the University.

6 MR. HOOD: Okay. How many times did you do that?
7 You may have mentioned it.

8 MS. WHITE: How many times did we count traffic?

9 MR. HOOD: Yeah. How many times did you do that?
10 Monday, Tuesday or --

11 MS. WHITE: Pardon?

12 MR. HOOD: -- five days a week, two days a week?

13 MS. WHITE: No. In some -- some instances we did
14 it one day a week, and sometimes we did it twice, depending on
15 how the counts looked and if we felt like we needed to go back
16 out there and take a second look at them.

17 MR. HOOD: Okay.

18 MS. WHITE: But that is typically what's done in
19 all other traffic studies.

20 MR. HOOD: Okay. My next question, Ms. Dwyer,
21 I'm not sure who I direct this is to, and I'm sure I'll
22 probably hear this with further discussion, but the police --
23 what is the University's relationship with the Metropolitan
24 Police Department?

25 MR. TAYLOR: We have a very close relationship

1 with the Metropolitan Police Department, Second District.
2 Actually, our security office acts as a sub-station, and we
3 work very regularly with them on crime and crime-prevention
4 issues.

5 MR. HOOD: Okay. Thank you, Madam Chair. I'm
6 sure I'll have some other questions later. Thank you.

7 CHAIRPERSON MITTEN: Anyone else?

8 MR. PARSONS: I only have two questions. I
9 wanted to talk about your parking lot on Nebraska Avenue and
10 wondered why you have selected a -- that as one of the sites
11 for your proposed buildings.

12 MR. TAYLOR: We've certainly thought about it
13 from time to time. But, obviously, one of the problems that
14 exists is that we rely on that parking lot very heavily, in
15 particular for our commuting students.

16 And taking it out of service for any particular
17 time during construction would -- would cause us severe
18 problems. And so as long as we're able to meet our building
19 needs in other ways, we think it's best to maintain the parking
20 as -- as a surface parking lot.

21 MR. PARSONS: So you -- you didn't consider this
22 as a site for the arts center?

23 MR. TAYLOR: No, we did not.

24 MR. PARSONS: And what would be wrong with that
25 other than taking the parking lot out of service?

1 MR. TAYLOR: That would be the primary thing. We
2 did -- we did in 1989 consider that as a possible site for the
3 law school, which was finally proposed for the same site as the
4 arts center. Certainly, there are residences behind the
5 parking lot.

6 And you can imagine that people living there
7 would object to having a building there. And so in terms of
8 trying to find a better place that would have fewer objections,
9 I'm not sure we would accomplish that.

10 MR. PARSONS: I have a very specific question.
11 In the book that you provided to us, that I assume you have, is
12 Exhibit 20, which is a drawing of the art center. And I'm a
13 little confused by it. And I'm concerned about the impact of
14 this building on Ward Circle, to let you know where I'm coming
15 from.

16 And in this particular drawing it appears as
17 though this building or the pathways around it are encroaching
18 on public land. Is that correct?

19 MR. KLEINROCK: No, that's not.

20 MR. PARSONS: This drawing is inaccurate, then?

21 MR. KLEINROCK: Actually, this drawing is a
22 little out of date. But the -- this piece that angles back, I
23 don't know if you can -- this property line that angles back is
24 the edge of the Park Service property. And that abuts our
25 sculpture garden and our building is actually back from the

1 edge of the sculpture garden.

2 MR. PARSONS: Well, doesn't this drawing show a
3 walkway, a curved line?

4 MR. KLEINROCK: Yeah. This drawing is old. I
5 don't --

6 MR. PARSONS: Could you revise that and provide a
7 new one, then?

8 MR. KLEINROCK: Yes.

9 MR. PARSONS: Thank you. That's all I have.

10 CHAIRPERSON MITTEN: Mr. Franklin?

11 MR. FRANKLIN: Continuing with the art center for
12 a moment, what -- what is the transportation management plan
13 for access to that garage? Suppose someone wants to come or
14 see an art exhibit, do they park in the garage? I guess, Ms.
15 White; is that free parking, paid parking, self-parking?

16 MR. ABUD: It -- it depends on the nature of the
17 event. Often, for events, if they're by-invitation we provide
18 passes. We don't gate-control any of our parking facilities
19 right now. We patrol for permits.

20 We don't enforce our permit requirements after 5
21 p.m. as a way of encouraging evening students and also easing
22 the burden of people coming to events in the evening at the
23 University. So someone coming to an event in the evening at
24 the art center would be able to pull in and park without a
25 permit and for free.

1 MR. FRANKLIN: And during the day?

2 MR. ABUD: During the day, they -- they -- you
3 know, if they get a pass ahead of time they would park for
4 free. They may be charged if -- if they come unannounced. We
5 have provisions to -- to issue visitor passes to people who
6 come.

7 MR. FRANKLIN: Well, is it anticipated that this,
8 either from a musical or a visual arts standpoint, attract a lot
9 of visitation during normal business hours? Is it something
10 that you programmatically want the public at large to -- to
11 come to visit?

12 MR. ABUD: Not particularly. The performance
13 spaces that are in the -- in the building are doubled as
14 instructional spaces. So throughout much of the day and,
15 actually, the early evening, they will be used for instruction
16 or rehearsal.

17 The -- so we do not envision having events for
18 people to come to during the day. It would be more in the
19 evening.

20 MR. FRANKLIN: So it would act as a performing
21 arts center during the evening and --

22 MR. ABUD: We do have two performance spaces.
23 Our main performance spaces will be at an off-campus site at
24 4200 Wisconsin Avenue. But it would -- we do have two
25 performance spaces for evenings and weekends.

1 MR. FRANKLIN: And people, generally speaking, if
2 I heard you correctly, would be able to park there at no cost
3 if they came to those events?

4 MR. ABUD: That's correct.

5 MR. FRANKLIN: I know there's been some concern
6 about pedestrian access across Massachusetts Avenue from the
7 core of the campus. Is anything being done to address that
8 situation? Because I -- I assume that the volume of pedestrian
9 traffic will increase quite dramatically.

10 MS. WHITE: Right. That was a concern of the
11 community as well as DPW. And the University will provide
12 crosswalks so that pedestrians can cross from the main campus
13 to the Katzen Arts Center. And, also, they will be permitted
14 to cross during the green signal phase when vehicles are able
15 to leave Katzen or leave the Glover Gate. So they will be able
16 to walk during that protected phase.

17 MR. FRANKLIN: Well, there is a signal there now.
18 Is that one that's activated by --

19 MS. WHITE: Pedestrians?

20 MR. FRANKLIN: -- pedestrians?

21 MS. WHITE: Yes.

22 MR. FRANKLIN: So to what extent will that
23 signalization change, if any, with the advent of -- of the
24 Katzen Center?

25 MS. WHITE: Well, if necessary, it may be

1 necessary to provide a little more green time if they find that
2 there is a large amount of pedestrians that cross. There is a
3 minimum amount of green time that we put into our calculation
4 for determining the -- the length of time that the signal
5 should be green for -- for motorists to access.

6 So that would be the amount of time that
7 pedestrians would also have to cross. So it is an adequate
8 enough time for pedestrians to cross the intersection. And
9 they would have a ten-foot wide crosswalk.

10 MR. FRANKLIN: Did you do any calculation or
11 projection of what the increase in pedestrian traffic would be
12 during, let's see, the a.m. and --

13 MS. WHITE: Well --

14 MR. FRANKLIN: -- p.m. hours?

15 MS. WHITE: Well, we looked at, I guess, a worst
16 case scenario during the -- the p.m. time, and we thought
17 between 400 and 500 pedestrians during an hour would cross.

18 MR. FRANKLIN: And how does that relate to the
19 number at present?

20 MS. WHITE: I think they are rough -- not more
21 than 50 now.

22 MR. FRANKLIN: So that's conceivably up to a
23 tenfold increase.

24 MS. WHITE: It is an increase, but it can
25 certainly be accommodated.

1 MR. FRANKLIN: I guess Mr. Taylor can address
2 this.

3 MS. WHITE: Ms. Dwyer just reminded me that we
4 did look at a pedestrian level of service analysis. It's
5 similar to, I guess, a traffic level of service analysis, where
6 you look at the spacing or density of pedestrians as they
7 cross; given that it's a ten-foot wide crosswalk, and the rate
8 that you expect pedestrians to arrive. And we found that there
9 would be enough spacing for a Level of Service B.

10 MR. FRANKLIN: So in your professional judgment,
11 it wouldn't be necessary to have a pedestrian underpass at that
12 point?

13 MS. WHITE: Absolutely not. There are
14 intersections in the City with 900 to a thousand pedestrians
15 cross, you know, during an hour. So this is significantly less
16 than that.

17 MR. FRANKLIN: Mr. Taylor, it's -- it's highly
18 unusual, at least in my experience, for a college or university
19 to not want to increase its enrollment substantially. You're
20 telling us that for the next ten years the enrollment will
21 remain more or less what it is?

22 MR. TAYLOR: In terms of the numbers that we have
23 listed in the plan, which would be the campus established in
24 1989, which would be 9800 full-time equivalent students for the
25 main campus and the Tenley Campus.

1 MR. FRANKLIN: I -- I guess your finances are in
2 better shape than some of the others we've heard from.

3 MR. TAYLOR: Not necessarily.

4 MR. FRANKLIN: This may not be entirely relevant,
5 but have you become more selective to the student admission?

6 MR. TAYLOR: That, indeed, is a factor that does
7 get added into our intentions for the future. It's not just a
8 matter of numbers. Yes, we have a cap of 9800 that we are
9 living under. But, indeed, selectivity is something that every
10 institutions guards very closely, and -- and you try to improve
11 to rank better among your peers.

12 Indeed, you are correct in suggesting that if you
13 open the floodgates you perhaps will affect your selectivity.
14 And that's something the institution does not want to do.

15 MR. FRANKLIN: Have you found that the criteria
16 that you use for admissions to -- to the greatest extent one
17 can make a judgment like that, that the quality of the student
18 body has improved in the last ten years?

19 MR. TAYLOR: Yes. Every year it seems we have
20 some incremental increase in terms of the average SAT score is
21 higher and the grade point average of the students entering
22 from their high school transcripts also is higher. So, indeed,
23 AU is becoming more selective. Those numbers are compiled on
24 an annual basis. And if it would be of interest, we could
25 provide that.

1 MR. FRANKLIN: I don't know that it's entirely
2 relative. I was just curious.

3 MR. FRANKLIN: Thank you.

4 MR. TAYLOR: You're welcome.

5 CHAIRPERSON MITTEN: I'd like to have a little
6 bit more discussion about the existing sports facilities. And
7 you mentioned there's an existing landscape buffer, and the
8 effectiveness of that. And then, also, what's proposed to be
9 introduced in terms of this increase in the bleachers, and
10 what's anticipated in terms of capacity of crowds at the
11 sporting events, and so on. Whoever wants to take that on?

12 MS. LEA: Maybe I could start with there are no
13 plans to change the recreation facilities themselves in terms
14 of field size or location. There is an existing buffer along
15 the western perimeter which is fairly significant.

16 The bleachers are proposed on the eastern side in
17 -- along with a small building that would act as a bit of a
18 gateway into --

19 CHAIRPERSON MITTEN: Can I --

20 MS. LEA: -- recreation area.

21 CHAIRPERSON MITTEN: -- get you to point on that
22 board, since you have it up? Yeah, maybe bring the board up a
23 little bit.

24 MS. DWYER: We also have a pointer up front, if
25 that would be helpful.

1 MS. LEA: The tan area with the letter C on it
2 currently have a building called the Osbourne Building, which
3 is where the maintenance facility for the campus is. It's a
4 two-story structure that sits parallel with the track.

5 And what we're proposing -- and that also has a
6 parking area that is used by maintenance facility and also
7 visitor parking. But we're proposing that that all be removed
8 and replaced with this loop road and green space.

9 And sitting at the elevation of Begley Hall,
10 which is right there, a new, very small pavilion structure that
11 would serve as a gatehouse, basically, to the recreation fields
12 would be constructed. And in conjunction with that, bleachers
13 set into the hillside.

14 So there's quite a grade change from the front of
15 Begley to the recreation fields. It's some 30 feet, perhaps.

16 CHAIRPERSON MITTEN: Do we have any kind of
17 topographic map or representation in the materials?

18 MS. LEA: I would have to check.

19 CHAIRPERSON MITTEN: If we don't have something
20 like that --

21 MS. LEA: We can provide something.

22 CHAIRPERSON MITTEN: Yeah. It's very hard, you
23 know, in two dimensions to appreciate --

24 MS. LEA: Rough -- roughly, the campus has sort
25 of three levels. The area along Nebraska Avenue is the high

1 end of the main campus, and then it steps down. Where the
2 tunnel is under Butler Pavilion is a mid-level. And then the
3 recreation fields are at the lowest level of the campus in that
4 area.

5 So there's -- there's probably 50 feet of grade
6 change that I'm, you know, estimating here between the Nebraska
7 Avenue street edge and the recreation fields.

8 CHAIRPERSON MITTEN: And then relative to --
9 what's the road that goes along the perimeter? Is that
10 University Avenue?

11 MS. LEA: University, yeah.

12 CHAIRPERSON MITTEN: So relative to the houses on
13 University Avenue, what's the orientation of the sports
14 facilities to those houses? Is that significantly below the
15 grade of the houses?

16 MS. LEA: It is lower. I would have to look at
17 the topographic map just how much lower. But University Avenue
18 is elevated compared to those fields.

19 CHAIRPERSON MITTEN: All right. And the existing
20 situation in terms of bleachers is what?

21 MS. LEA: Is right there, and quantity, 800.

22 CHAIRPERSON MITTEN: Okay. So it's
23 on -- it's on the far side and the people are cheering away
24 from --

25 MS. LEA: Towards the east.

1 CHAIRPERSON MITTEN: So that now they would be
2 cheering towards the houses.

3 MS. LEA: But they have nothing to cheer about.

4 (Laughter)

5 MR. FRANKLIN: That situation will be maintained.

6 (Laughter)

7 CHAIRPERSON MITTEN: And are -- I take it from
8 your comment that sporting events there are not filled to
9 capacity with spectators because --

10 MS. LEA: Right.

11 MR. TAYLOR: I could comment to that. Yes,
12 primarily we're talking about men's and women's soccer and --
13 and also women's lacrosse being the primary activities. And
14 the events are scheduled typically during the afternoons, say
15 at 1:00 or 3:00 start time; sometimes on the weekends, perhaps
16 a Saturday or a Sunday start time.

17 It is typical that for -- say, for example, a
18 women's soccer game, you might get a couple of dozen to maybe a
19 hundred or 200, total. For the men's, you might get perhaps
20 one or 200, a few more than that.

21 The exception would be if, indeed, the
22 institution -- if we're playing someone like Virginia or
23 Maryland, a local rival, then, indeed, you might get closer to
24 a thousand. But one of the issues here is it's not necessarily
25 just the building of the stands.

1 But we do have spectators attending the games
2 that are lining up around the field, but they have no place to
3 sit. So in those events we do have spectators exceeding the
4 seating capacity, they are there, but they are just standing.
5 They have no place to sit.

6 CHAIRPERSON MITTEN: All right. And the existing
7 bleachers will remain and these will be in addition to --

8 MS. LEA: Right.

9 CHAIRPERSON MITTEN: -- the existing bleachers?
10 Is there any lighting of the outdoor athletic facilities?

11 MR. TAYLOR: They're -- none.

12 CHAIRPERSON MITTEN: And none is anticipated?

13 MR. TAYLOR: That is correct.

14 CHAIRPERSON MITTEN: All right. I know that
15 there was discussion about studying the pedestrian patterns
16 inside the campus boundaries, the main campus boundaries. Have
17 you examined the pedestrian patterns around the perimeter on
18 the public streets, you know, along the public streets? Was
19 that part of your study?

20 MS. LEA: Yes. We did take a look at where
21 people crossed. And one of the issues that was identified
22 early on was that pedestrians crossing from the large parking
23 lot on Nebraska Avenue tended to walk out the driveway in the
24 center of the block and cross the street at a mid-block
25 crossing, even though they had a light at either end of that

1 parking lot.

2 If they wanted to get into the middle of campus,
3 that's where they crossed. That was one of the reasons we
4 proposed originally closing that and creating a right-turn in
5 and right-turn out on Massachusetts Avenue. And we withdrew
6 that proposal after community meetings describing opposition to
7 that. So --

8 CHAIRPERSON MITTEN: And no other ideas about how
9 to control that short of -- short of closing that access point
10 to vehicles and finding another one?

11 MS. LEA: No. We did talk about working with DPW
12 to identify some other means of traffic calming devices that
13 might be used on Nebraska Avenue where those crossings occur.
14 And we -- I don't know that we've concluded anything. But the
15 University is interested and willing to work with DPW to do
16 that.

17 CHAIRPERSON MITTEN: Okay. An issue has been
18 raised by Office of Planning, in particular, and maybe others
19 as well, but the phasing of the projects related to parking and
20 not closing the -- I guess it's the sports center garage in
21 advance of -- of other facilities with an equal capacity being
22 in place.

23 What's your response oz that?

24 MR. TAYLOR: What we're proposing to do is to not
25 close the sports center garage, the existing sports center

1 garage, until the art center garage is built and until the
2 garage proposed under Project K is -- is built.

3 Those two will provide more spaces than will be
4 lost by the sports center garage. So at that point we would
5 still be in a net positive situation of a couple hundred
6 spaces.

7 CHAIRPERSON MITTEN: Okay. Based on Ms. White's
8 analysis of the situation in terms of the utilization of
9 parking facilities on campus, and also the availability of
10 parking spaces off campus on the street, do you have a sense --
11 or what's your response to the concerns that the community
12 seems to have about the fact that people are parking in the
13 neighborhood? Where's that coming from?

14 MR. TAYLOR: There are some streets where
15 students parking. Typically, they don't fill up the entire
16 street. And so there are spaces left for residents to park.

17 CHAIRPERSON MITTEN: Are there certain streets
18 that are more vulnerable to that?

19 MR. TAYLOR: Yes. Probably the most vulnerable
20 street is Rockwood Parkway right outside the Fletcher Gate. A
21 lot of the discussion about student-related parking on the
22 streets comes from around the law school.

23 And there is some student-related parking around
24 the law school in Spring Valley. But, also, the law school is
25 located in a fairly active commercial area and there's street

1 parking by people who -- who work at the various shops there,
2 people who patronize the various shops there.

3 And you can't always tell them apart.
4 Unfortunately, because we -- we tend to come before the
5 community, we tend to get the blame for all of the parking on
6 the street. Certainly, we have some of it, but I don't believe
7 to the degree that many of the residents feel.

8 CHAIRPERSON MITTEN: And is this zoned parking in
9 this community?

10 MS. WHITE: There is some zoned parking and some
11 metered parking in other locations.

12 CHAIRPERSON MITTEN: Is all the non-metered
13 parking zoned parking?

14 MS. WHITE: That is my understanding.

15 MR. HOOD: Madam Chair, can I --

16 MS. WHITE: Everywhere we did our survey, I don't
17 know that we walked up and down every single street within, you
18 know, a certain distance. But all of the intersections that we
19 have on our survey area seem to be zone 3.

20 CHAIRPERSON MITTEN: Mr. Hood?

21 MR. HOOD: I just want to interrupt for a minute,
22 the zone parking. Is the zone parking being enforced, that you
23 know of? And how much time are they able to park?

24 MS. WHITE: To be -- there's a two-hour parking
25 restriction between 7 a.m. and 8:30 p.m. But, to be honest, I

1 don't know --

2 MR. HOOD: If it's being --

3 MS. WHITE: -- the rate of enforcement.

4 MR. HOOD: -- enforced? Okay. Thank you, Madam
5 Chair.

6 MS. LEA:

7 CHAIRPERSON MITTEN: Sure. I heard that for
8 selected events there are passes, parking passes for visitors
9 to the campus and that you don't enforce your permit parking on
10 the lots and so on, after 5 p.m. Did I get that right?

11 MR. TAYLOR: That's correct. And on weekends,
12 also.

13 CHAIRPERSON MITTEN: And on weekends. And is
14 that known or is that -- is that known to people? Are there
15 signs to that effect so that someone who's coming for, you
16 know, an evening class, they know they can park for free or
17 will they be in fear of having some kind of enforcement
18 mechanism imposed on them because they don't realize that the
19 restrictions on the parking have been lifted?

20 MR. TAYLOR: All our parking materials and
21 information in our class schedules and catalogues contain that
22 information. So regular students certainly know it. And by
23 our observation of the use of the campus parking in the
24 evening, it -- it seems to be known.

25 Events, we advertise typically the parking,

1 either through the ticket process or, if it's a more public
2 event, through whatever advertising we put out.

3 CHAIRPERSON MITTEN: Okay. Are staff or faculty
4 charged for parking on campus?

5 MR. TAYLOR: Yes, they are.

6 CHAIRPERSON MITTEN: How does that work?

7 MR. TAYLOR: Typically, they -- they have the
8 parking charge deducted from their pay on a bi-weekly or
9 monthly basis, depending on how they're paid.

10 CHAIRPERSON MITTEN: What's the parking charge?

11 MR. TAYLOR: We have two different rates, and
12 I'll have to get you the exact figures. The highest rates are
13 480 a year.

14 CHAIRPERSON MITTEN: And do you sell any of
15 those, whatever you want to call it, a sticker or permit or
16 whatever, do you sell those to anyone besides staff, faculty or
17 students?

18 MR. TAYLOR: No.

19 CHAIRPERSON MITTEN: The reason I'm asking about
20 the charges is because one of the recommendations from DPW is
21 that you implement a program where -- where folks would be
22 charged market rates for parking. And I don't know if you have
23 a sense of where your rates fall relative to market rates.

24 MR. TAYLOR: They're a little less than half of
25 what we see the market rates in commercial parking lots

1 surrounding the University.

2 CHAIRPERSON MITTEN: Do you think that that --
3 implementing a program like that would have a significant
4 impact on staff and faculty driving to campus?

5 MR. TAYLOR: It's really hard to judge. It could
6 have some impact, certainly, on people's choices about public
7 transportation versus driving.

8 CHAIRPERSON MITTEN: But so far have you explored
9 it or --

10 MR. TAYLOR: We have been gradually raising our
11 rates, and we do think it's probably wise to raise them to
12 something approaching market rate.

13 CHAIRPERSON MITTEN: Okay. Thank you. How many
14 of the parking spaces that are on campus are reserved for
15 resident students of the -- of the parking inventory?

16 MR. TAYLOR: We -- we sell about 400 permits to
17 resident students. We have two lots that are strictly reserved
18 for resident students, one on the north side of the campus and
19 one on the south side, essentially, going with each of the
20 resident hall complexes.

21 And resident students can also park in the sports
22 center garage, which has a shared arrangement with other
23 parkers.

24 CHAIRPERSON MITTEN: Okay. One of the things
25 that I noticed was in the counts of -- enrollment counts, there

1 is an accommodation that's made for students that go to law
2 school but are also taking classes on the main campus, and that
3 anyone that buys a parking permit in the -- I don't know if
4 it's exclusively to the Nebraska Avenue lot, but it's to buy a
5 parking permit on the main campus and then would commute over
6 elsewhere, that they would be counted as well in terms of the
7 enrollment.

8 Are there permits being sold to staff or faculty
9 -- well, I guess it wouldn't be faculty, I guess staff in terms
10 of the functions that you described that occur off campus; are
11 any people, for instance, that work at the radio station, are
12 they buying permits on campus and then -- then commuting
13 elsewhere?

14 MR. TAYLOR: No. Each of those facilities have
15 their own parking. And the people who work there park in those
16 facilities or take public transportation.

17 CHAIRPERSON MITTEN: Okay. Ms. White, you
18 mentioned that you had done a pedestrian level of service
19 analysis. Is that something that we have in the record so far,
20 or is that something you could provide to us?

21 MS. DWYER: I don't believe that is in the
22 record, but we'd be happy to provide it. It came up during the
23 community meetings, and we could provide that.

24 CHAIRPERSON MITTEN: Okay. A few questions about
25 the Katzen Arts Center, the graduate studios that are going to

1 be located on the third floor, what exactly -- those are --
2 those are for students who are artists are going to be doing
3 their thing there?

4 MR. TAYLOR: Yes.1

5 CHAIRPERSON MITTEN: Okay. And the facilities
6 are going to be open, in terms of their use, the graduate
7 students, is that 24-hour access or are there hours of
8 operation for the facility in terms of the students?

9 MR. TAYLOR: Generally, the hours of operation
10 would be from 8 in the morning until 11 p.m. However, those
11 particular students would be in a separate class that could be
12 granted access 24 hours a day.

13 Each student gets -- there's one student per
14 studio, and that student is assigned that studio for the
15 duration of their term at the University, which would typically
16 be a year or two, depending on if they're full-time or part-
17 time.

18 CHAIRPERSON MITTEN: Okay. You mentioned that
19 there will be translucent glass on the rear windows that are
20 facing the homes on Sedgwick?

21 MR. KLEINROCK: On the third floor, yes.

22 CHAIRPERSON MITTEN: Yes, third floor. Are those
23 windows going to be operable windows or fixed?

24 MR. KLEINROCK: We've talked about that at length
25 and I think our current thinking is that they can be fixed

1 because there's a corridor. And in the earlier schemes we had
2 the graduate studios -- before we pulled the building back 25
3 feet they were
4 -- you know, we were looking at operable windows. But now that
5 there's a corridor there they do not need to be operable.

6 CHAIRPERSON MITTEN: Okay. So we can assume
7 they'll be fixed. There's concern among the residents over
8 there about potential air conditioning noise from all that
9 equipment.

10 MR. TAYLOR: Right.

11 CHAIRPERSON MITTEN: Can you speak to that?

12 MR. TAYLOR: Yes. We've placed the chillers and
13 all of the noisiest equipment in the garage level of the
14 building. The only thing that's up on the roof is the cooling
15 towers and the air handlers.

16 And we have the ability to specify the quietest
17 equipment that's made, that's affordable and made. And that's
18 what we plan on doing, is spec-ing the sound levels that will
19 be coming from the equipment.

20 We've also located it on the south side of the
21 building so that, you know, the in-take for all this equipment
22 is on the north side of the building, but the exhaust for it is
23 on the south side. So we've been fairly careful about how --

24 You know, we haven't gotten into that level of
25 detail yet. But we'll certainly be very careful about how

1 that's planned.

2 CHAIRPERSON MITTEN: And in terms of -- I don't
3 know a whole lot about air conditioning equipment. But I do
4 know one of the things that makes noise are the wheels or the
5 belts or the --

6 MR. TAYLOR: Chillers.

7 CHAIRPERSON MITTEN: Yeah. Is there some kind of
8 routine maintenance program that you could sort of agree to
9 abide by that would eliminate or minimize that sort of thing so
10 that it wouldn't require some -- a neighbor complaint that, you
11 know, there's this screeching noise, or whatever.

12 MR. TAYLOR: I'll let Jorge address that.

13 CHAIRPERSON MITTEN: Okay.

14 MR. TAYLOR: But, before, just remember that the
15 noisiest of the equipment is below grade.

16 CHAIRPERSON MITTEN: I heard that part. I got
17 that part.

18 MR. ABUD: And, actually, much of the equipment
19 that's on the roof top has less of a likelihood -- or that's in
20 the mechanical penthouse on top of the rotunda has less of a
21 likelihood to squeal and such.

22 But we do have regular maintenance programs.
23 And, certainly, squealing is an indication that something is
24 wrong, and we would take care of it.

25 CHAIRPERSON MITTEN: All right. How long do you

1 anticipate the construction of the Katzen ARTs Center to take?

2 MR. ABUD: Approximately 18 months.

3 CHAIRPERSON MITTEN: And what kind of protections
4 will there be, or is there -- is there a construction
5 management plan in the pack?

6 MS. DWYER: No. There not at this time.

7 MR. ABUD: The -- the proposed conditions for the
8 building that are -- were in our pre-hearing submission,
9 though, do have extensive rules regarding how the construction
10 will be handled.

11 In terms of the hours of construction, that's
12 something we have been working with the community working group
13 for quite some time, and believe we've added just about
14 everything we've been asked to.

15 MS. DWYER: If I can direct your attention to
16 Exhibit N to our pre-hearing submission, being -- there's not a
17 construction management plan, but there are conditions that we
18 would propose for inclusion in the order. And they govern a
19 lot of the operating and design and construction issues
20 associated with the art center.

21 CHAIRPERSON MITTEN: All right. And then the --
22 in terms of the performance space at the arts center, what will
23 be the capacity of the largest room?

24 MR. KLEINROCK: Two hundred people.

25 CHAIRPERSON MITTEN: And will that be used only

1 for University-related functions or would that be available for
2 outside groups?

3 MR. ABUD: It would be primarily for University
4 related. We do from time to time offer to local theater
5 companies or -- or other schools, high schools or other schools
6 the opportunity to use our facilities. So that we envision
7 continuing to do.

8 CHAIRPERSON MITTEN: Okay. And would you agree
9 on some kind of limit on the number of those per year, non-
10 University related?

11 MR. ABUD: Yes. That's feasible.

12 CHAIRPERSON MITTEN: And what would the hours of
13 operation be in terms of performances? Aside from the graduate
14 students who might have 24-hour access to the studios, close at
15 11 or --

16 MR. ABUD: Yes.

17 CHAIRPERSON MITTEN: That does it for me for now.
18 Anybody else before we turn to the ANC?

19 MR. HOOD: Madam Chair, I just want to follow up
20 on this Neighborhood Action Program. And I don't know if this
21 is something we may ask on the end.

22 I'm kind of concerned because I -- reading
23 through it and reading through it, I don't see where MPD, and
24 this goes back to my question earlier, is even involved with
25 that program. I'm not necessarily saying you need them, but

1 they should have some type of presence within that program.

2 It's something you may want to consider. And I
3 will ask for it on the back end of this -- on the presentation.

4 CHAIRPERSON MITTEN: Anybody else? All right.

5 MR. ABUD: Could I add something in regard to Mr.
6 Franklin's question about the floor plans for the art center?
7 Tab M on our pre-hearing submission has the updated floor plans
8 in it.

9 CHAIRPERSON MITTEN: Now, so -- we had
10 -- Mr. Parsons, I think, had asked to have an updated Exhibit
11 20. Would that --

12 MS. DWYER: And that is Exhibit M.

13 CHAIRPERSON MITTEN: So we have it?

14 MS. DWYER: You have it; yes.

15 CHAIRPERSON MITTEN: We're good. Would Ms.
16 Hamilton from ANC 3-D like to ask any questions of this panel
17 on cross-examination? Please come forward -- or unless you
18 don't have any. No? Okay, thank you.

19 And, Ms. Quynn, from ANC 3-E?

20 MS. QUINN: I just have a --

21 CHAIRPERSON MITTEN: Wait. You need to have them
22 squeeze you in someplace.

23 MS. QUINN: Thank you. I notice that for the
24 Tenley Campus there wasn't -- you didn't display on the slides
25 the level of service. And I just wanted to know if you had

1 that in any of your slides for traffic.

2 MS. WHITE: No. We don't have it in our slides,
3 but we could provide it to you. Not a slide showing specific
4 level of service on a map. But we do have a table in our
5 document summarizing the levels of service at the intersections
6 near Tenley Campus.

7 MS. QUINN: Can you tell me what that is? Can
8 you tell everybody what that is?

9 MS. WHITE: Okay.

10 (Pause)

11 MS. WHITE: Okay. For existing conditions, for
12 Warren Street and 42nd Street, northbound approach, Level of
13 Service A during the a.m. peak hour and A during the p.m. peak
14 hour. For -- that was the northbound approach, I'm sorry.

15 For the westbound approach, Level of Service A
16 during the a.m. peak hour and A during the p.m. peak hour. For
17 Nebraska Avenue-Warren Street, the eastbound approach, Level of
18 Service C during the a.m. peak hour and D during the p.m. peak
19 hour.

20 For the westbound approach, Level of Service C
21 during the a.m. peak hour and E during the p.m. peak hour. For
22 Nebraska Avenue and Campus Drive, Level of Service B during the
23 a.m. and B during the p.m. For Nebraska Avenue and Tenley
24 Circle, B during the a.m. and D during the p.m.

25 For Tenley Circle and Yuma Street, B during the

1 a.m. and B during the p.m. And for Yuma Street and Campus
2 Drive, A during the a.m. and A during the p.m. For Yuma Street
3 and 42nd Street, B during the a.m. and A during the p.m.

4 MS. QUINN: And just going back to level of
5 service, what would find unacceptable? What -- what letter is
6 to be unacceptable?

7 MS. WHITE: That would depend on the location.
8 But, generally, for this area, DPW would say that lower than a
9 D would be unacceptable. Of course, they would see exception
10 to that rule.

11 MS. QUINN: Okay. Thank you.

12 CHAIRPERSON MITTEN: Thank you, Ms. Quinn. Now -
13 - sure. Come on.

14 MS. HAMILTON: I did have a question. And my
15 question was prompted by the art center, that when you do have
16 performances or anything there, they would be over at 11:00 at
17 night?

18 MR. TAYLOR: That's correct. It's important to
19 keep in mind that these are small performance spaces. One is a
20 recital hall for music, with relatively limited use, and also
21 the Black Box Theater for very small productions.

22 MS. HAMILTON: And would you define "limited" and
23 "small"? What kinds of numbers?

24 MR. TAYLOR: I think what he said before, 200 is
25 the maximum seating capacity for -- for each.

1 MS. HAMILTON: So approximately what number of
2 cars would be exiting at 11:00 at night?

3 MR. TAYLOR: Well, most of the -- most of the
4 attendees to our performances are students who live on the
5 campus --

6 MS. HAMILTON: All right.

7 MR. TAYLOR: -- so, actually, very few cars.

8 MS. HAMILTON: All right. So there would be very
9 few. Because Massachusetts Avenue at that time of the evening,
10 at that point, is quiet.

11 CHAIRPERSON MITTEN: Thank you, Ms. Hamilton.
12 Mr. Elliott. Now, Mr. Elliott, we would like to be able to
13 wrap up this evening around 10:30 because the Commissioners get
14 very cranky after that time.

15 (Laughter)

16 CHAIRPERSON MITTEN: Do you think you can
17 complete your cross-examination by 10:30?

18 MR. ELLIOTT: I hate to disappoint you. And, in
19 fact, I'm wondering whether Ms. Dwyer would agree that perhaps
20 we should cross-examine the University witnesses at the
21 beginning of the next session. And then you could go ahead and
22 get the governmental department direct testimony and the ANC's.

23 CHAIRPERSON MITTEN: I think we'd rather stick
24 with the cross-examination.

25 MR. ELLIOTT: Whatever you like.

1 CHAIRPERSON MITTEN: Can you give me some sense
2 about -- I know that it's difficult because you don't know what
3 they will say in response. But --

4 MR. ELLIOTT: Yes. It's also difficult because I
5 have five different clients, and I'm going to have to ask at
6 some point for a little time, because I've collected questions
7 from them. I met with some of them, and I'm the funnel to ask
8 the things that they want asked.

9 And I've actually eliminated some of the
10 questions that they do want to ask. But I do need to consult
11 with them a bit. There's new testimony here.

12 CHAIRPERSON MITTEN: Let's -- let's do this.
13 Since we don't want the cross-examination -- our questions, of
14 course, don't count in that regard, but --

15 MR. ELLIOTT: Yours are the most important.

16 CHAIRPERSON MITTEN: -- we don't want it to
17 extend longer than the Applicant's case if at all possible. So
18 why don't we do this. You ask questions that you have until
19 around 10:30, and then we will resume for approximately one-
20 half hour the next time we convene for you can conclude.

21 And then, in the meantime, you will have had time
22 to confer with your clients. Will that work?

23 MR. ELLIOTT: I will, you know, try to make this
24 as expeditious as possible. That's all I can say. I hear you.

25 CHAIRPERSON MITTEN: Right. That's what we're

1 striving for, efficiency and effective questions.

2 MR. ELLIOTT: Yes. I know this is a concern and
3 I did speak to your secretary about it. But this is a complex
4 set of applications.

5 CHAIRPERSON MITTEN: Absolutely.

6 MR. ELLIOTT: There's a lot here.

7 CHAIRPERSON MITTEN: Absolutely. Why don't you
8 proceed?

9 MR. ELLIOTT: All right. As far as the
10 microphone is concerned, I did want to point to that chart.
11 And I don't know how to get over there and still be on this
12 microphone.

13 Ms. White, while we're on the subject of traffic,
14 there's been quite a few -- bit of testimony on this. I think
15 you said that you had eliminated left turns out of the art
16 center building during rush hour. Is that during --

17 MS. WHITE: No. Not out of the art center
18 building. We --

19 MR. ELLIOTT: Into it?

20 MS. WHITE: -- talked about restricting left
21 turns into Glover Gate during the peak periods.

22 MR. ELLIOTT: Into Glover Gate.

23 MS. WHITE: Yes. And also into the art center,
24 but not out of.

25 MR. ELLIOTT: When you mentioned having studied

1 the pedestrian loads or levels of service, in your traffic
2 study did you factor into it any -- any impacts on the levels
3 of service of having pedestrians?

4 MS. WHITE: We did -- we did take a look at
5 pedestrian movement across Massachusetts Avenue and across the
6 Glover Gates into that.

7 MR. ELLIOTT: And did you have a different level
8 of service for the streets into and out of the University as
9 compared to the Massachusetts Avenue? I think I saw D for the
10 level of service coming out of the University, but A or B for
11 the Mass. Avenue.

12 MS. WHITE: Right. That looks at the approach --
13 approach out of the Glover Gate or Mass -- Katzen may have been
14 a D, but the main traffic would be an A and the overall
15 intersection would be an A or a B.

16 MR. ELLIOTT: Now, did you factor in that there
17 are public -- there's a public bus stop at that intersection?

18 MS. WHITE: Well, there's a central business
19 district factor, but I don't know that -- that includes factors
20 such as that.

21 MR. ELLIOTT: And did you in looking at the
22 University's level of traffic, where I think you said -- well,
23 one of the witnesses said that there was about seven percent of
24 the total traffic level in the morning, I believe?

25 MS. WHITE: Yes.

1 MR. ELLIOTT: I thought I saw in your materials
2 that there is three percent in one direction and ten percent in
3 the other, for a total of 13 percent in the morning?

4 MS. WHITE: There -- I guess there's a few
5 different ways you can look at it. In looking at it, where we
6 counted all of the traffic into, all of the entrances and the
7 Nebraska lot, over -- if we took like a circle around the
8 adjacent roadways and counted all the traffic going into that
9 circle and divided that, then that's where we got that seven
10 percent number from.

11 But there -- you could take an isolated location
12 and look at just traffic at that location, and maybe that's
13 where the three percent number came from.

14 MR. ELLIOTT: But you do have a ten percent and a
15 three percent number in your report.

16 MS. WHITE: I have a seven percent and a 14
17 percent, but there may be -- like I said, there's a couple
18 different --

19 MR. ELLIOTT: All right. Well, perhaps I --

20 MS. WHITE: -- ways that you can --

21 MR. ELLIOTT: -- did this number up and ask you.
22 Pointing to it --

23 MS. WHITE: Okay.

24 MR. ELLIOTT: Oh, yes. Page 15 of the traffic
25 study. And if I could, I'll just let you look at that while I

1 --

2 MS. WHITE: What page?

3 MR. ELLIOTT: Page 15 of the traffic study. It
4 says -- Table 1A indicates main traffic
5 -- that main campus generates 545 inbound and 181 outbound a.m.
6 peak hour trips. This represents ten percent of the inbound
7 and three percent of the outbound a.m. peak. So --

8 MS. WHITE: Right. And --

9 MR. ELLIOTT: -- maybe I'm misunderstanding
10 something, but --

11 MS. WHITE: No, you're not.

12 MR. ELLIOTT: -- ten percent and three percent is
13 13 percent.

14 MS. WHITE: No. You don't add it together. But
15 --

16 MR. ELLIOTT: You average it?

17 MS. WHITE: It's kind of like an average, and
18 then you get seven percent.

19 MR. ELLIOTT: Now, in measuring the traffic
20 levels, you're counting vehicles, in other words, seven percent
21 or 13 percent of all the vehicles. Yes, that's what you're
22 doing.

23 MS. WHITE: Am I counting seven percent or 13
24 percent --

25 MR. ELLIOTT: When you -- when you determine the

1 amount of traffic generated by the University as compared to
2 the general public, you're counting vehicles.

3 MS. WHITE: Yes.

4 MR. ELLIOTT: But wouldn't their impact on the
5 traffic situation be higher than their percentage in that
6 they're all turning into parking lots? The general traffic is
7 going on by, but all the University -- I think you testified --

8 MS. WHITE: Well, no --

9 MR. ELLIOTT: -- that you counted them because
10 they're --

11 MS. WHITE: Right. Well, we --

12 MR. ELLIOTT: Let me just finish.

13 MS. WHITE: Okay.

14 MR. ELLIOTT: I thought you said you counted them
15 because you saw them turning into the University or coming out
16 of the University.

17 MS. WHITE: Uh-huh.

18 MR. ELLIOTT: Now, don't those turning vehicles
19 have more impact on the traffic conditions than do the general
20 vehicles that are just driving by the University?

21 MS. WHITE: Well, that's why -- understand the
22 difference in what we're saying. First, we said let's take a
23 look at the percentage of AU traffic versus the percentage of
24 traffic on the network. And that's the seven percent number
25 and the 14 percent number.

1 Now, if you want to look at turning vehicles, and
2 that's where you take a look at a level of service at an
3 intersection, and then that factors that into it. So it's two
4 difference things and you shouldn't really try to --

5 MR. ELLIOTT: All I'm asking is, wouldn't the 13
6 percent have a -- more than a 13 percent impact on traffic
7 conditions if all 13 percent are turning, particularly into
8 parking lot entrances and main entrance in the University's
9 gate?

10 MS. WHITE: Again, we're just counting that 13
11 percent of the traffic on the network is -- or 14 percent,
12 rather, is University related and seven percent is University
13 related. And then the analysis that we did at the individual
14 intersections is where we looked at the impacts of turning
15 vehicles into different locations. And that's how you can
16 measure that impact.

17 MR. ELLIOTT: Now, is there any situation where
18 you will require vehicles coming out of either the main campus
19 or the art center building not to turn left?

20 MS. WHITE: Where we should restrict that?

21 MR. ELLIOTT: Yes. During rush hour, is there
22 any thought to restricting that?

23 MS. WHITE: No.

24 MR. ELLIOTT: And when you counted the University
25 vehicles, did you count buses as just one vehicle?

1 MS. WHITE: Yes.

2 MR. ELLIOTT: Is that common in your profession
3 not to treat them as -- I think in the George Washington --

4 MS. WHITE: No. You count --

5 MR. ELLIOTT: -- Mount Vernon case, they said
6 they're worth a multiple of vehicles.

7 MS. WHITE: Well, you count it as one vehicle,
8 but then there are factors that are taken into consideration
9 like the percentage of heavy vehicles, percentage of buses, et
10 cetera.

11 MR. ELLIOTT: So the 13 percent figure would just
12 be counting them as one?

13 MS. WHITE: Thirteen percent is counting all
14 vehicles as one, yes.

15 MR. ELLIOTT: I'd like to switch probably to Mr.
16 Taylor or Mr. Abud and Ms. Lea, Planning, and any of you can
17 answer my question if you choose.

18 You explained that you are trying to eliminate
19 this road through the middle of the campus and create more of a
20 student, educational, cultural concept in the center of the
21 campus. Correct?

22 MS. LEA: Correct.

23 MR. ELLIOTT: You have 13 projects proposed,
24 correct?

25 MS. LEA: Correct.

1 MR. ELLIOTT: And, incidentally, while the -- I'm
2 afraid the projector is going to hit the floor if I make a mis-
3 step here. We won't be needing it, if you could set it away.

4 Your Campus Plan states that you won't build more
5 than 400,000 square feet of new space, correct?

6 MS. LEA: Correct.

7 MR. ELLIOTT: I noticed, however, when you list
8 the various 13 projects that you don't assign any square
9 footage to the conversion of the 400 square foot parking
10 garage.

11 MR. ABUD: The parking garage is already counted
12 in the gross floor area of the existing campus. We're just
13 converting its use to a different use.

14 MR. ELLIOTT: So the answer is yes, you don't
15 count that in the 400,000. In other words, when you say --

16 MR. ABUD: That's correct.

17 MR. ELLIOTT: So that, actually, under this plan
18 you could be constructing 570,000 feet if you define it as
19 additional enclosed space.

20 MR. ABUD: I believe that's incorrect. The
21 garage is enclosed. It's usable space. It's currently counted
22 in the gross floor area of the campus. It's counted in the FAR
23 calculations that we've made.

24 It's just a different use, really not any
25 different than if we were using it for offices and then changed

1 it to classroom or some other change in use.

2 MR. ELLIOTT: Well, let me put it this way. Your
3 proposal -- well, first of all, you're going to increase your
4 parking by putting it underground and you're, I think, planning
5 not to have it reduced below the current level. It's going to
6 continually increase.

7 Someone mentioned a sequence of buildings, doing
8 the art center and, I think, building K-first, so that the
9 parking increases before you eliminate that building.

10 MR. ABUD: That's correct.

11 MR. ELLIOTT: Now, what I'm asking is when you
12 say you won't build more than 400,000 square feet, that cap can
13 mean that you'll end up with up to about 570,000 of classroom,
14 office and similar enclosed space that you don't have now; 400
15 of new buildings plus the conversion of the 170,000 foot
16 parking garage.

17 MR. ABUD: If you wish to classify the conversion
18 of the parking garage into a different use as new space, that's
19 really your choice. We don't believe that's the way to
20 interpret it.

21 MR. ELLIOTT: But in any case, that's what you
22 could do. I'm just trying to understand what the 400 cap mean.

23 And the 400 -- and don't read criticism into it or anything.
24 I'm just trying to understand. The 400,000 cap means you could
25 have 570,000, more classrooms and office space and that sort of

1 thing.

2 CHAIRPERSON MITTEN: Mr. Abud, maybe just to get
3 right to the heart of it, what is the 400,000 cap, the 400,000
4 square foot cap? Is that on new construction?

5 MR. ABUD: It's new construction --

6 CHAIRPERSON MITTEN: New FAR that --

7 MR. ABUD: -- of gross floor area.

8 CHAIRPERSON MITTEN: -- that you will be
9 occupying.

10 MR. ABUD: Yes.

11 MR. ELLIOTT: New FAR.

12 MS. DWYER: That's right. It's a zoning term.
13 So it's the new square footage that you're adding to the
14 campus.

15 CHAIRPERSON MITTEN: Okay. I think we have your
16 --

17 MR. ELLIOTT: It's an FAR --

18 CHAIRPERSON MITTEN: -- point now --

19 MR. ELLIOTT: -- term. Okay.

20 CHAIRPERSON MITTEN: -- Mr. Elliott.

21 MR. ELLIOTT: Thank you. So that you are telling
22 the Commission and the public that you won't build another
23 173,000 of new FAR --

24 CHAIRPERSON MITTEN: I think we have the point.
25 We have the point.

1 MR. ELLIOTT: No. This is a different point --

2 CHAIRPERSON MITTEN: All right.

3 MR. ELLIOTT: -- if you'll be patient, Madam
4 Chair. You aren't under -- I'm just trying to be clear because
5 I would really like everyone -- this is not going to be the
6 tedious trial kind of cross-examination. I'm just trying to
7 get to some basic points which I -- they're not quick questions
8 at all.

9 Your plan mentioned the 400 figure and has
10 projects adding up to 573, I think it is.

11 MR. ABUD: Yes.

12 MR. ELLIOTT: And so 173,000 of FAR in the new 13
13 projects, they're definitely not going to be built.

14 MR. ABUD: That's correct.

15 MR. ELLIOTT: Do you know which ones?

16 MR. ABUD: No, we don't.

17 MR. ELLIOTT: Now, do you have some sequence as
18 to which ones would be built before others?

19 MR. ABUD: We have a rough idea of which we plan
20 to build in the first five-year period and which we project for
21 the second five-year period, but not a strict sequence.

22 MR. ELLIOTT: And would you -- well, we know you
23 are planning on the first three that you described to come
24 first, and that's 173 -- that's 170,000 FAR. Those come first,
25 Katzen and the enclosure there and -- which is the third one?

1 MR. ABUD: I, I and G.

2 MR. ELLIOTT: So that takes care of 170.

3 MR. ABUD: Right.

4 MR. ELLIOTT: Leaving you 230 of the 400. Yes?

5 MR. ABUD: Yes.

6 MR. ELLIOTT: All right. Now, could you
7 describe, and I don't mean to ask you to expand greatly upon
8 this, but could you describe briefly what the sequence that
9 you're thinking of is, between the first five years and the
10 second five years, whether there's something that definitely
11 comes before something else?

12 MR. ABUD: I can't describe it in exactly those
13 terms, something that definitely comes before something else.
14 Let me tell you what else is in the first five years. Project
15 K --

16 MR. ELLIOTT: That's up by the president's house?

17 MR. ABUD: Correct. Prior to J.

18 MR. ELLIOTT: J? There --

19 MR. ABUD: Down there.

20 MR. ELLIOTT: The K Center Building.

21 MR. ABUD: Right. Project H, which is the
22 conversion of the garage --

23 MR. ELLIOTT: Yes.

24 MR. ABUD: -- into other -- other uses, and
25 Project C.

1 MR. ELLIOTT: Project C? Uh-huh. C, H, J, K.
2 So it's all at the northern end of the campus. Is it fairly
3 likely that you might choose some of the peripheral buildings
4 for elimination when you eliminate the 170 -- 173,000 square
5 feet? And by "peripheral" I mean near the edge of the campus,
6 A, B, for instance.

7 MR. ABUD: I don't think it's any more likely or
8 less likely. We just don't know.

9 MR. ELLIOTT: You don't know at this point. So
10 the second five year of the -- of the -- of the ten-year period
11 is essentially a series of options that you're proposing. You
12 might choose this, that or the other.

13 MR. ABUD: Right. A lot of that depends on fund
14 raising potential for a particular building. That often -- we
15 have a need for all these buildings. What often drives whether
16 or not we can actually build it is our ability to raise
17 donations for it.

18 MR. ELLIOTT: What about financing, are you
19 thinking about financing some of the construction?

20 MR. ABUD: That could be an option but right now
21 is not for any of those in the latter half.

22 MR. ELLIOTT: Well, I notice that you mention
23 that in the last ten years you constructed 12,000 square feet.
24 Do you have some planning inside the University that indicates
25 how much of this either 400 or 570 that I'm talking about might

1 realistically be expected to be built?

2 MR. ABUD: No.

3 MR. ELLIOTT: Is there any sequence that's
4 indicated by concentrating on improving what is now a kind of a
5 split-up center of the campus with this road that dips down
6 under a building? I take it that's a high priority to improve
7 that.

8 MR. ABUD: Yes, it is.

9 MR. ELLIOTT: Does that indicate -- is that why
10 you've picked those first projects that you just mentioned
11 earlier as the first stage of construction?

12 MR. ABUD: Well, we -- it is a high priority to
13 close the central road and enclose the space in the tunnel.
14 Project I involves the enclosure of the space in the tunnel,
15 and we're asking for specific permission to do that in tandem
16 with the Campus Plan --

17 CHAIRPERSON MITTEN: Mr. Elliott --

18 MR. ABUD: -- so it is a high priority.

19 MR. ELLIOTT: Yes?

20 CHAIRPERSON MITTEN: Could you explain why the --
21 given that there is no phasing program proposed other than as
22 you mentioned, the further processing that we're being asked to
23 consider, and what they're asking for is clear, they want
24 flexibility; what's the purpose for these questions?

25 MR. ELLIOTT: Well, the problem is at what point

1 is there so much flexibility that there's no plan. I mean, you
2 have a university that's actually proposing to you a whole
3 series of projects that they actually specifically say will not
4 be built in the next ten years. We don't know which.

5 And I think one thing that the Commission really
6 has to look at here is, yes, there should be some flexibility.

7 Mr. Abud just explained, there's fund raising, there are
8 uncertainties.

9 But at the same time, if you put a whole array of
10 buildings out there, 13 buildings, really ten after the first
11 real phase of the first year or two, there are ten buildings
12 that might be built in the following eight years and -- but
13 we're not going to build some of them, we're not going to build
14 perhaps half of them.

15 Then you get to the point where the public is
16 saying: This doesn't sound like a plan. We can't envision
17 what's going to happen here.

18 CHAIRPERSON MITTEN: I understand that. And if
19 you'd like to bring that out in your direct, please do that.
20 But I think we need to move on to another subject.

21 MR. ELLIOTT: All right, fine. Thank you. I'd
22 like to ask you about the population cap. I think, Mr. Taylor,
23 you mentioned that it's the same as in the 1989 agreement.

24 MR. TAYLOR: In terms of for the main campus and
25 the Tenley Campus, yes; 9,800 full-time equivalent students --

1 MR. ELLIOTT: And you --

2 MR. TAYLOR: -- 2300 --

3 MR. ELLIOTT: -- recall that's actually not in
4 the Campus Plan but in the 1989 agreement.

5 MR. TAYLOR: That was what -- that's what we have
6 for 1989, that we indeed intend to live --

7 MR. ELLIOTT: Okay.

8 MR. TAYLOR: -- for the future.

9 MR. ELLIOTT: Now, here's a --

10 MS. DWYER: Can I --

11 MR. ELLIOTT: -- question I wanted --

12 MS. DWYER: -- just clarify --

13 MR. ELLIOTT: -- to ask you.

14 MS. DWYER: -- that, Mr. Elliott? It's in the
15 Campus Plan, not the 1989 agreement. It may be in the
16 agreement as well, but the Campus Plan specified the enrolment
17 cap.

18 MR. ELLIOTT: Well, actually, the agreement has a
19 whole page with a table in it and a whole section on the -- an
20 exhibit on population cap. I think the agreement will have to
21 become an exhibit in these proceedings, and the Commission can
22 see for itself.

23 CHAIRPERSON MITTEN: That's fine. But let's
24 focus more on what's being proposed at this time.

25 MR. ELLIOTT: All right. So here's the question.

1 Well, there are several questions. But the first one is, I
2 think you said that the 9800 in the Campus Plan or agreement,
3 wherever it is, is full-time equivalent. And isn't it a fact
4 that actually it was a total number of students, it was a head
5 count in '89?

6 MR. TAYLOR: That's correct. The cap stated in
7 1989 was in a head count of 11,233, converting that number to
8 full-time equivalents, which we feel is a better measure of
9 actual population activity, converts it to 9800.

10 MR. ELLIOTT: In other words -- well, could you
11 just simply explain the 9 -- the 9800, what you understand it
12 is?k

13 MR. ABUD: The 9800 converts the 11,233 to full-
14 time equivalent, meaning 11,233 includes a certain proportion
15 of students who are attending part-time. And because they
16 don't have the same impact as the full-time student, let's say
17 they might take one class a week, they might only come to
18 campus one or two days a week instead of five days a week, as a
19 full-time student might.

20 MR. ELLIOTT: Madam Chair, could you bear with me
21 a moment?

22 CHAIRPERSON MITTEN: Yes.

23 (Pause)

24 MR. ELLIOTT: I think there was testimony, and
25 it's late in the day, and several of you testifying, but I

1 think there was testimony with respect -- perhaps it was Ms.
2 White and Ms. Idah (ph.) about the transportation system and
3 how the various -- I'm sorry. Ms. Lea.

4 SPEAKER: It is late in the day.

5 (Laughter)

6 MR. ELLIOTT: It says on your resume, Idah, and
7 it stuck in my mind. I'm sorry. You mentioned -- you had a
8 chart up there of the various properties. And in the
9 transportation system and in the way in which the University
10 functions, what uses -- when you were planning this campus,
11 what uses of the main campus are made by the law students?

12 MS. DWYER: I think George could probably answer
13 that better.

14 MR. ELLIOTT: Well, let me first ask about the
15 planning aspect, though. In planning, have you looked at the
16 extent to which the law students park up there, use the bus
17 system, take classes, have inter-disciplinary class, all that,
18 studies; use the library, go to functions, that sort of thing?

19 MS. DWYER: I think that's, first, a question for
20 the University to address, Mr. Jorge
21 Abud --

22 MR. ELLIOTT: All right.

23 MS. DWYER: -- and then --

24 MR. ABUD: We can tell you what we told the
25 planners about how the law school operates and then Marsha can

1 answer a planning question. The -- essentially, the only use
2 of the main campus facilities by our law school students is the
3 parking.

4 And we do have about 125 law school students who
5 park on the Nebraska Avenue parking lot and take a shuttle that
6 takes them directly to the law school. We do have joint degree
7 programs, but the way they operate is that, generally, a
8 student will finish their School of International Service
9 Degree or Business Degree first, and then move to the law
10 school.

11 They're not taking both classes at the same time,
12 and so we don't have the problem of trying to sift out who does
13 both things. That's just not the way our programs operate.

14 MR. ELLIOTT: And the bus system, I believe there
15 was a figure of 1.2 million riders, is it?

16 MR. ABUD: That's correct.

17 MR. ELLIOTT: And do you have any idea of what
18 percent of that would be the law students?

19 MR. ABUD: I don't have that data now.

20 MR. ELLIOTT: And with respect to parking on the
21 streets, you -- I think one of you mentioned the program of the
22 University. Could you describe briefly what the program of the
23 University is to restrict or get students off the side streets?

24 MR. ABUD: Surrounding the main campus?

25 MR. ELLIOTT: Anywhere. Is it two programs?

1 MR. ABUD: The main campus -- as I said before,
2 parking on the public streets surrounding the main campus is
3 extremely limited. We do put in our materials that we send to
4 new students that -- every one that gets information through
5 our catalogues, our parking information brochures, is told
6 about a good neighbor policy which encourages them not to park
7 on the neighborhood streets.

8 We do from time to time patrol the streets and
9 put flyers on cars that seem to us to be obviously an AU
10 student, encouraging them to park on the campus. We do have a
11 program that prohibits resident students from bringing cars to
12 the University which they do not register with us and are not
13 parking on the campus.

14 And so any resident student who is found to have
15 brought a car is subject to discipline, up to and including
16 dismissal from the residence halls.

17 MR. ELLIOTT: The discipline applies to bringing
18 a car to the campus that you're not supposed to have in the
19 area?

20 MR. ABUD: Correct.

21 MR. ELLIOTT: And, now, the undergraduates are
22 all four years permitted to have cars if they wish?

23 MR. ABUD: Yes. There's no restriction.

24 MR. ELLIOTT: And have you considered the
25 possibility of restricting the first year or two, telling the

1 students we're too crowded here, we don't want you to have
2 cars?

3 MR. ABUD: We have done that from time to time.
4 It's currently not necessary. One, freshmen rarely do bring
5 cars, despite the fact that they are allowed to. And, two, we
6 do have enough space to accommodate those who do.

7 MR. ELLIOTT: Now, down at the law school you do
8 impose fines if cars are parked on side streets, is that
9 correct?

10 MR. ABUD: Yes.

11 MR. ELLIOTT: And do you identify the cars in any
12 way so that your own personnel can go down the street and see
13 that it's a student car that's parked where it shouldn't be?

14 MR. ABUD: Now, the process that they use to try
15 and identify cars, they try to err on the side of giving out
16 more tickets, which means that essentially any car that doesn't
17 have a District of Columbia license plate is subject to getting
18 a ticket.

19 We get many complaints from people unrelated to
20 the University who get these tickets.

21 MR. FRANKLIN: My son was one.

22 (Laughter)

23 MR. ELLIOTT: Well, it's that in fact a pretty
24 faulty system to deal with -- deal with the students versus the
25 public? I mean, anybody with an out-of-town license is not

1 naturally a student. Why isn't it you don't simply have the
2 students put a sticker on the cars?

3 MR. ABUD: We feel the system is -- is being
4 effective and there isn't a need to do that.

5 MR. ELLIOTT: You think the system down there is
6 working very well?

7 MS. DWYER: Madam Chair, could I just point out
8 that the questions relate to the law school, which is a matter
9 of right. These are not questions related to the main campus
10 parking but to the law school.

11 CHAIRPERSON MITTEN: Oh, I misunderstood that.

12 MS. DWYER: -- different.

13 CHAIRPERSON MITTEN: I thought he was relating
14 something that is -- that goes on in the vicinity of the law
15 school and then asking about -- are you asking about on-street
16 parking around the law school?

17 MR. ELLIOTT: Well, actually, what I was going to
18 ask next was why not do the same thing for the main campus and
19 then cover all of the students? Why not have the same system
20 that would get these students off the streets by telling them
21 all, whatever school they're in, law school, main campus, that
22 you will be fined if you violate the rules and park on the side
23 streets. Have you considered doing that? Would you be willing
24 to do it?

25 MR. ABUD: We have not considered it because we

1 don't feel the amount of parking warrants that kind of action.

2 As Ms. White testified, 78 percent of the spaces on the
3 streets surrounding the University were vacant at the peak time
4 of University operation.

5 MR. ELLIOTT: And what area had the 70 percent
6 vacancies? Was it a few blocks or --

7 MS. WHITE: That was when we took an overall
8 average.

9 MR. ELLIOTT: But of what area, is what I'm
10 asking, how far out from the campus?

11 MS. WHITE: I don't know as in feet, but we
12 looked at several residential streets and Massachusetts Avenue
13 as well. I --

14 MR. ELLIOTT: A sampling of streets?

15 MS. WHITE: Uh-huh.

16 MR. ABUD: Now, I wanted to ask you, any of you
17 who choose to answer this question, the University over the
18 years, both back in '89 and recently, has compared itself to
19 other schools and found that it's wanting in terms of square
20 feet per student of facilities.

21 In other words, you're really short of space for
22 the population you already have. Is that correct?

23 MR. ABUD: That's correct.

24 MR. ELLIOTT: And I think you have a chart,
25 fairly recently, comparing you with about eight other schools

1 and showing that you have the lowest square footage per student
2 compared to other schools.

3 MR. ABUD: That's correct.

4 MR. ELLIOTT: Now, how -- and at the same time
5 there is room in the population cap that you want, this full-
6 time equivalent cap, of student growth of about 15 percent?

7 MR. ABUD: Yes. Our current population is
8 roughly 8000, 8100 FTE.

9 MR. ELLIOTT: Now, it's a question I have. If
10 you go back to all these projects and you're already short
11 square feet per student, and you have -- you're proposing 15
12 percent margin for growth, would you be willing to -- if the
13 Commission gave you that kind of a cap, that gave you the
14 ability to grow at least 15 percent, would you be willing to
15 phase it to the amount of space you construct?

16 MR. ABUD: I think you have a mis-impression
17 about the cap. We've propose -- what we're proposing is not to
18 grow, but to have the flexibility that in some years
19 enrollments might go up and in some years enrollments might go
20 down.

21 We're not proposing to go to the cap and stay
22 there forever, necessarily. We just want that flexibility.
23 And I think I mentioned the issue of flexibility a number of
24 times.

25 MR. ELLIOTT: Well, then, would you accept an

1 8200 cap with some kind of a flexibility provision?

2 MR. ABUD: No.

3 MR. ELLIOTT: So you do want the right to go up
4 to 9800?

5 MR. ABUD: We want the right to be able to -- to
6 live within that cap, yes.

7 MR. ELLIOTT: Well, I think this is something
8 important to the Commission. I want to see if I can clarify
9 it. You're at 8200 and you're short of space on a square feet
10 per student basis, and you're proposing the right to grow by 15
11 percent.

12 I'm asking whether the University would be
13 willing to start at 8200 and phase that growth in relation to
14 actually building some of this space?

15 MR. TAYLOR: Let me add, perhaps, to some extent
16 this whole flexibility question, it's not -- it's not
17 predictability. It's flexibility. Some years, indeed, you
18 will have a higher acceptance rate, some years a lower
19 acceptance rate.

20 Also, the economy can dictate the enrollment in
21 certain programs, whether it's graduate programs or whatever.
22 So what we're suggesting is this is not an exact science. That
23 is where the need for flexibility comes in.

24 The commitment to live within the cap of 9800,
25 but allowing us the flexibility to have a couple of good years

1 in a row and possibly to offset that with a bad year or two.

2 MR. ELLIOTT: Well, in the past ten years has
3 your enrollment fluctuated significantly?

4 MR. TAYLOR: It has basically gone up a little
5 bit, gone down a little bit. It's been pretty much a steady
6 state.

7 MR. ELLIOTT: And in that chart that you showed
8 of about ten years across, it hits around 97 or so and drops.
9 But that's the law school, isn't it, taking law school students
10 out?

11 MR. ABUD: Correct.

12 MR. TAYLOR: Correct.

13 MR. ELLIOTT: Now, I take it you wouldn't want to
14 have population growth with no more facilities and have your
15 square feet per student, which is already low, drop some more.

16 MR. ABUD: Correct.

17 MR. TAYLOR: That's correct.

18 (Laughter)

19 MR. ELLIOTT: They both said "correct," for the
20 record, Mr. Taylor and Mr. Abud.

21 Is there any particular type of space that the
22 University is short of, comparing, for instance, classroom,
23 library, residential, sports? Can you give some indication of
24 where -- where is the pinch?

25 MR. ABUD: Well, we did -- I did mention in my

1 direct testimony what our needs are. We do need general
2 purpose, instructional space, additional classrooms to offer us
3 flexibility in scheduling. We need specialized instructional
4 space, computer labs, science labs of various sorts.

5 We need 120 additional faculty offices to satisfy
6 our full-time faculty office commitment.

7 MR. ELLIOTT: So they're all needs. But as far
8 as ranking them, do you see them as more or less equal needs,
9 or is there one that's outstanding?

10 MR. ABUD: They really don't rank one over the
11 other. Typically, when we build new facilities, as we're
12 proposing to do with the art center, we meet a number of those
13 needs in that particular case: general purpose, specialized,
14 instructional as well as office space needs.

15 So most of our academic-administrative needs have
16 multiple purposes. We think those make better buildings. And
17 so we tend to satisfy a number of needs with each new project.

18 MR. ELLIOTT: And I noticed in the Campus Plan
19 that a lot of the buildings are described in terms of height,
20 square feet and two or three words about use. Is that correct?

21 MR. ABUD: Yes.

22 MR. ELLIOTT: And I notice that Mr. Altman's
23 report suggested what he called development guidelines for, I
24 think, three or four of the buildings. You noticed that, I
25 take it?

1 MR. ABUD: Yes.

2 MR. ELLIOTT: And is the University willing to
3 add some development guidelines to at least some of the
4 buildings, which would give the Commission and the public a
5 better idea of what those buildings would be, if built, than
6 just height, square feet, or two or three words about use?

7 MR. ABUD: We'd have to see what those guidelines
8 are to -- to see whether or not we could work with them.

9 MR. FRANKLIN: I presume, Mr. Elliott, that such
10 guidelines would have to address the adverse impacts that are
11 the basis for this Commission's review.

12 MR. ELLIOTT: That's exactly what they did in
13 '89. All those buildings had guidelines called building
14 parameters.

15 MR. FRANKLIN: All right.

16 MR. ELLIOTT: The problem is that they're all
17 falling by the wayside because all those buildings have been
18 replaced by others. The community is very interested in that,
19 and putting some meat on the skeleton here as to what these
20 buildings, particular A and B and some of the peripheral ones,
21 but all of them, to know what they're going to be in -- to a
22 greater extent than just height and square feet.

23 MS. DWYER: Mr. Elliott, if I could just point
24 out, the general parameters are given in the Campus Plan. But
25 it's the further processing stage, the second stage where you

1 really get to design the building. And that's when the real
2 impact issues are addressed.

3 So we're giving a broad sense of what these
4 buildings are going to look like, but the details are going to
5 come, just as the art center details are before the Commission
6 now, when we get to that second stage. It's very hard to know
7 now what those impact issues might be.

8 MR. ELLIOTT: I'm not allowed to cross-examine
9 Ms. Dwyer. Let me just say two sentences on this because it is
10 important to the Commission, what she raised.

11 CHAIRPERSON MITTEN: Okay. And then -- a
12 subject, and then we're going to break for the evening.

13 MR. ELLIOTT: It's 10:30.

14 CHAIRPERSON MITTEN: Uh-huh.

15 MR. ELLIOTT: It's very important not to accept
16 that view. The further processing has a very important role,
17 but it doesn't replace proper campus plan review.

18 And the reason -- to go back to Mr. Franklin's
19 statement, the reason why these development guidelines OR what
20 were called the "building parameters" in the '89 contract are
21 so important, is you can't determine whether Building B, for
22 instance, has unacceptable impacts or is likely to have
23 objectionable impacts without knowing more about it.

24 And when you come in and add these development
25 guidelines, then you've got something to look at. Then you

1 say, okay, it's also subject to these seven restrictions and
2 now we think it's acceptable. That's the role.

3 Further processing doesn't satisfy that because
4 you have to make a decision now on these buildings in the
5 Campus Plan process.

6 MR. FRANKLIN: But what could you say at this
7 stage in the game beyond that the building should not have an
8 adverse impact in terms of noise, traffic, et cetera, the
9 standards that are set out in the regulation?

10 MR. ELLIOTT: Well, you're going to hear a lot of
11 testimony about how these buildings and facilities do affect
12 surrounding property owners. And until they're better defined,
13 they're much more likely to be found objectionable.

14 And, incidentally, we did bring with us, and I'll
15 be happy to pass out to the Commission, a further statement of
16 some of our testimony. It's a single statement of what many of
17 our witnesses are going to be saying.

18 And I'll be happy to give that to the University,
19 the Commission and the public. And you'll see some discussion
20 in there of the need for building parameters. If you'd like to
21 have that now, I'll have someone take it to the Secretary.

22 CHAIRPERSON MITTEN: Did you have any more
23 questions on this particular subject before we close it out for
24 this evening?

25 MR. ELLIOTT: I do, but I think you don't want me

1 to ask them right now.j

2 CHAIRPERSON MITTEN: Well, I mean, are we talking
3 five minutes?

4 MR. ELLIOTT: I think we could stop now.

5 CHAIRPERSON MITTEN: All right.

6 MR. ELLIOTT: Yeah. Thank you very much.

7 CHAIRPERSON MITTEN: Thank you. But keep in
8 mind, you know, we want to keep this approximately balanced, so
9 that try and -- try and keep your cross-examination, when we
10 resume, to about a half an hour, because anything beyond that
11 is going to be troublesome.

12 MR. ELLIOTT: I hear you. But at the same time
13 this is an adjudicatory proceeding, and the Constitution does
14 apply.

15 CHAIRPERSON MITTEN: Yes, Mr. Elliott.

16 MR. ELLIOTT: I hope you don't think any of my
17 questions were beside the point. They go right to issues. And
18 it is very important to be able to ask at least some important
19 questions of these witnesses. But we will be proving our case
20 through our own witnesses. We're not trying to prove our case
21 through Ms. Dwyer's clients --

22 CHAIRPERSON MITTEN: Very good.

23 MR. ELLIOTT: -- and experts.

24 CHAIRPERSON MITTEN: Very good. Thank you. As I
25 said earlier, the next hearing in this Campus Plan case will be

1 Monday, February 26, 2001. And there are some additional
2 materials that we have requested. And, Mr. Bastida, do you
3 have a list? I have a list.

4 MR. BASTIDA: I have a list.

5 CHAIRPERSON MITTEN: Okay. You go.

6 MR. BASTIDA: I have six items on my list.

7 CHAIRPERSON MITTEN: Name those items.

8 (Laughter)

9 MR. BASTIDA: There was a discussion on a brief
10 about the commitment to begin -- not to begin construction
11 about the year 2002. I think that was settled, saying that
12 will go to court. And that --

13 CHAIRPERSON MITTEN: No. There were going to
14 briefs, because in addition to whatever is going on in court,
15 Mr. Elliott asserts that we should not be taking up this
16 proceeding at this time. And he's going to make his points and
17 Ms. Dwyer's going to make her points. So we're going to have
18 briefs on that.

19 MR. BASTIDA: Brief on that, yes.

20 MR. ELLIOTT: Not in court.

21 CHAIRPERSON MITTEN: That's fine. It doesn't
22 matter. That was shorthand for whatever else it is.

23 MR. BASTIDA: Then we'll have -- you requested
24 which conditions should not be incorporated from the previous
25 Campus Plan approval.

1 CHAIRPERSON MITTEN: Yes.

2 MR. BASTIDA: You requested a list of expert
3 witnesses and their qualifications from Mr. Elliott.

4 CHAIRPERSON MITTEN: Yes.

5 MR. BASTIDA: You also requested a -- no, as many
6 individuals as possible to provide their testimony so you can
7 in that way read it, and they can summarize it.

8 CHAIRPERSON MITTEN: Yes. And that's not
9 mandatory. That's just --

10 MR. BASTIDA: Was requested.

11 CHAIRPERSON MITTEN: -- would be helpful to the
12 Commission.

13 MR. BASTIDA: Also a pedestrian record analysis
14 was requested.

15 CHAIRPERSON MITTEN: Uh-huh, the level of service
16 analysis, yeah.

17 MR. BASTIDA: Mr. Hood addressed the issue of the
18 MPD and the parking program. And I don't -- it wasn't clear to
19 me --

20 MR. HOOD: Mr. Bastida, I don't think we
21 necessarily need to have that for the next hearing. But I
22 would like for that to be provided sometime before the close of
23 the record.

24 MR. BASTIDA: Okay. Also, a topo map was
25 requested. And I was pondering if it might be best to have a

1 couple of through sections through the site that shows the
2 buildings, because it would give you a much better idea than,
3 in fact, a topo map.

4 CHAIRPERSON MITTEN: Is that something that you
5 can do?

6 MS. DWYER: Is that easily done?

7 MS. LEA: For the art center or the entire
8 campus?

9 MR. BASTIDA: My idea would be through the entire
10 campus, going east-west.

11 CHAIRPERSON MITTEN: Perhaps we could do -- I
12 mean, you've already sort of done that with the Katzen Center
13 through your little chopping at each house. How about where
14 the sports --

15 MS. LEA: The bleachers?

16 CHAIRPERSON MITTEN: The bleachers. That would
17 be most helpful there, I think.

18 MS. LEA: Okay. We can do that there.

19 CHAIRPERSON MITTEN: Good suggestion, but I think
20 we can confine it to there. And then we -- I think Mr. Abud
21 was going to give us a little breakdown on the parking rates
22 for the permits. Did you have anything else?

23 MR. BASTIDA: No. That was it.

24 CHAIRPERSON MITTEN: Okay. And when should these
25 be submitted so that we can get them in a timely manner prior

1 to the next hearing?

2 MR. BASTIDA: Well, this is putting a difficult
3 task on the staff, but we will rise to it. But I think that if
4 we requested --

5 (Laughter)

6 MR. BASTIDA: -- by next Thursday -- I have to
7 pat my own back.

8 CHAIRPERSON MITTEN: Always, always.

9 MR. BASTIDA: So to try to give us as much time
10 as possible, I would request that they should be submitted no
11 later than Thursday, close of business next Thursday, which is
12 the 22nd. And in that way we will have to send out the
13 packages first thing in the morning Friday so you can receive
14 them.

15 I also would request that if ten copies would be
16 submitted, it will be quite helpful to us.

17 CHAIRPERSON MITTEN: Yes. That would be.

18 MS. DWYER: All right. And we would agree to
19 serve by hand delivery all parties that same day, so you would
20 not have to do that. We would take care of that in our
21 certificate of service.

22 MR. BASTIDA: Thank you for anticipating my
23 request.

24 (Laughter)

25 CHAIRPERSON MITTEN: Mr. Parsons?

1 MR. PARSONS: During the presentation, there was
2 an architectural rendering of the view of the art center from
3 Ward Circle. And I don't think that's in the material that we
4 have.

5 MR. ELLIOTT: And I don't think the citizens --
6 the citizens haven't ever seen that, I don't think.

7 MS. DWYER: We have copies that we can leave with
8 you of the slides that were presented tonight, to supplement
9 the record.

10 MR. PARSONS: You mean they're in slides?

11 MS. DWYER: No. They're eight-and-a-half-by-
12 eleven of the --

13 MS. LEA: The Power Point?

14 MS. DWYER: The Power Point. I'm sorry.

15 CHAIRPERSON MITTEN: So we'll also get the Power
16 Point presentation in the record?

17 MS. DWYER: Right.

18 CHAIRPERSON MITTEN: And the parties, as well?

19 MS. DWYER: Yes.

20 CHAIRPERSON MITTEN: Great. Well, I'd like to
21 thank everyone for their attention this evening and your
22 participation in this hearing. And we look forward to seeing
23 you on the 26th. This hearing is adjourned.

24 (Whereupon, at 10:37 p.m., the proceeding was
25 adjourned.)

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